



Town of Arlington Board of Selectmen

Meeting Agenda

April 4, 2016

7:15 PM

CANCELLED Selectmen's Chambers, 2nd Floor, Town Hall

1. Thank You to Diamond and Platinum Sponsors of Patriots' Day Parade
Patriots' Day Parade Committee

FOR APPROVAL

2. Discuss and Adopt: Complete Streets Policy
Laura Wiener, Assistant Director of Planning
Scott Smith, TAC

CONSENT AGENDA

3. Request: Permit for Memorial Day Parade, Monday, May 30, 2016
Jeffrey A. Chunglo, Director of Veterans' Services
4. Request: Farmers' Market Winery Application-Sale of Wine
Coastal Vineyards, David W. Neilson
61 Pardon Hill Road, South Dartmouth, MA, 02748
5. Request: Annual Hardy School PTO Walkathon, Friday, April 29, 2:30 p.m. - 4:00 p.m.
Eva Bitteker, Hardy School PTO
6. Appointments of New Election Workers: (1) Patricia Baillieul, 15 Murray Street, U, Pct. 12; (2) Priscilla Boisvert, 4 Winslow Street, U, Pct. 11; (3) Thomas Fitzgerald, 67 Stowecroft Road, U, Pct. 21; (4) Elaine Forrest, 54 Medford Street, D, Pct. 7; (5) Adrian Landry, 34 Hamilton Road, D, Pct. 2; (6) Joan Morrissey, 4 Winslow Street, U, Pct. 11; (7) Jillian Patti, 30 Tower Road, U, Pct. 17; (8) Kathleen Roche, 121 Newland Road, U, Pct. 21; (9) Donna Shaw, 273 Cambridge Street, U, Pct. 14; (10) Louise Thompson, 8 Summer Street, D, Pct. 14; (11) Colleen Trembly, 112B Sunnyside Avenue, U, Pct. 2

LICENSES & PERMITS

7. For Approval: Cafe Outside Seating Permit Renewals
Common Ground, 319 Broadway
Ristorante Olivo, 201 Massachusetts Avenue
The Madrona Tree, 315 Broadway

TRAFFIC RULES & ORDERS / OTHER BUSINESS

8. Request: Handicap Parking Sign @ 9-11 Oxford Street

John A. Caruso

9. For Approval: Sidewalk Sale to Benefit 'Earth Citizen Organization' @ Body n Brain Yoga, 325 Broadway, April 16, 10:00 a.m. - 4:00 p.m.
Mary Jo Sargent, Body n Brain Yoga
10. Sign Request, Ravine Street
Rebecca and Doug Perlo, 40 Irving Street
11. For Review and Endorsement: Revised Community Benefit Agreement for RMD
12. Discussion: Future BoS Meetings

WARRANT ARTICLE HEARINGS

Articles for Review:

Article 29: Removal of Easement Restriction (tabled from 3.7.16 meeting)

Article 32: Endorsement of CDBG Application

Article 33: Revolving Funds (tabled from 3.21.16 meeting)

Article 58: Resolution/Community Preservation Plan

STM Article 6: Minuteman Regional Vocational Technical School: Bond Authorization for Minuteman School Construction

FINAL VOTES & COMMENTS

Articles for Review:

Article 21: Bylaw Amendment/Arlington Commission on Arts and Culture Membership

Article 23: Bylaw Amendment/Electronic Distribution of Notices and Materials

Article 24: Bylaw Amendment/Camping on Public Property

Article 30: Transfer of Town Property/1 Gilboa Road

Article 59: Resolution/Handicap Parking Spaces

CORRESPONDENCE RECEIVED

Letter to Mr. John Belskis re: 1 Gilboa Road Article 97 Status

Douglas W. Heim, Town Counsel

NEW BUSINESS

EXECUTIVE SESSION

Next Scheduled Meeting of BoS April 25, 2016.



Town of Arlington, Massachusetts

Thank You to Diamond and Platinum Sponsors of Patriots' Day Parade

Summary:

Patriots' Day Parade Committee

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Patriots_DayPoster.pdf	Patriots' Day Parade Poster



Patriots' Day Parade

SUNDAY

APRIL 17, 2016

Schedule of Events

8:45 AM Arlington Boys & Girls Club Fun Run

Visit www.abgclub.org for more information

12:00 PM Battle Reenactment
Jason Russell House

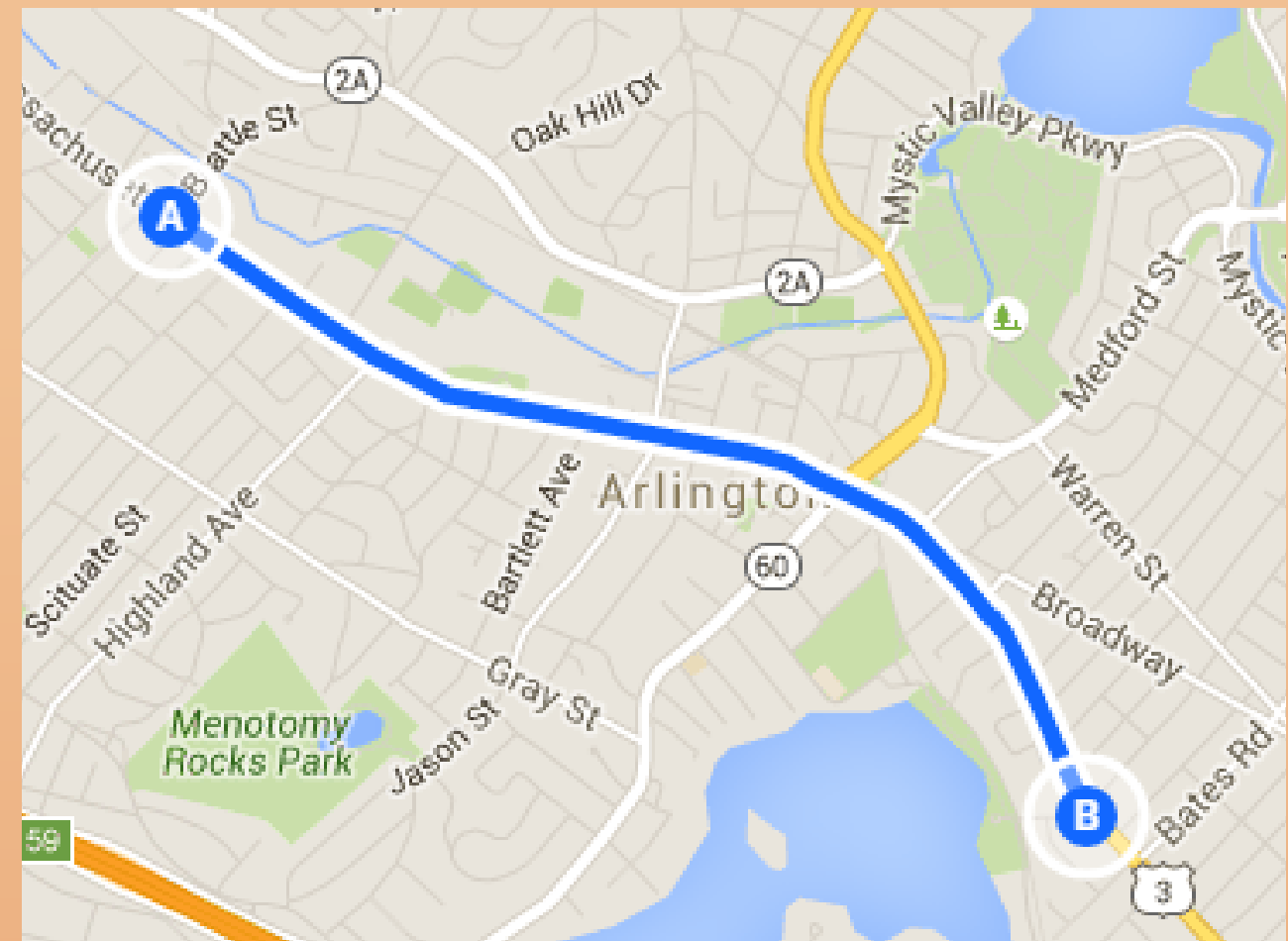
2:00 PM Arlington Patriots' Day Parade

In Memoriam

Kenny Simmons
Grand Marshal

Ofc. Michael Hogan
Honorary Grand Marshal

Start: Brattle Square
Brattle St & Mass Ave



End: East Arlington
Linwood St & Mass Ave

   **#ArlPats2016**

Thank you to our 2016 Parade Sponsors:

DIAMOND LEVEL



PLATINUM LEVEL



GOLD LEVEL



In Loving Memory of
Joan Caterino

Knights of Columbus

SILVER LEVEL

American Legion Post 39
Black Diamond Landscaping
Cambridge Savings Bank
Dan Dunn
JVT Realty
Keefe Funeral Homes
Michael Fitzpatrick, D.M.D.
Rogers Funeral Home
Watertown Savings Bank



Town of Arlington, Massachusetts

Discuss and Adopt: Complete Streets Policy

Summary:

Laura Wiener, Assistant Director of Planning
Scott Smith, TAC



Town of Arlington, Massachusetts

Request: Permit for Memorial Day Parade, Monday, May 30, 2016

Summary:

Jeffrey A. Chunglo, Director of Veterans' Services

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	Memorial_Day_Parade.pdf	Request from J. Chunglo



Town of Arlington
Department of Health and Human Services
Department of Veterans' Services
730 Massachusetts Avenue
Arlington, MA 02476

Jeffrey A. Chunglo
Director of Veterans Services

Tel: 781 316-3166
Fax: 781 316-3129

29 MAR 2016

Board of Selectmen
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476

Re: Permit for May 30, 2016

Dear Board Members,

On behalf of the Department of Veterans' Service for the Town of Arlington, I am requesting a permit to allow residents to participate in the annual Memorial Day ceremony and parade. This year, the ceremony will be conducted in the auditorium of the town hall. The ceremony will begin at 09:30.

Following the ceremony, we will march to Mt. Pleasant Cemetery for wreath laying ceremonies at our veteran lots, to include the unveiling of the new Global War on Terrorism memorial.

A police escort will be needed along Massachusetts Avenue and Medford Street as we proceed to Mt. Pleasant Cemetery.

Very respectfully,

A handwritten signature in black ink, appearing to read "Jeffrey A. Chunglo", is written over a horizontal line.

Jeffrey A. Chunglo



Town of Arlington, Massachusetts

Request: Farmers' Market Winery Application-Sale of Wine

Summary:

Coastal Vineyards, David W. Neilson
61 Pardon Hill Road, South Dartmouth, MA, 02748

ATTACHMENTS:

Type	File Name	Description
Reference Material	Coastal_Vineyards_Farmers_Mkt._4.16.pdf	Farmers Market application - Coastal Vineyards

FARMER'S MARKET
(CH.138, §15F)

YEAR 2016

CK# 2921 \$50.00

1. Licensee Information:

ABCC License Number:
(If Existing Licensee)

FW - 63

Name of Applicant: David W. Neilson

Mailing Address: 61 Pardon Hill Road

Business Name (d/b/a if different): Coastal Vineyards

Manager of Record: David W. Neilson

City/Town: South Dartmouth State MA Zip 02748

Phone Number of Premises: 774-202-4876

Other Phone: 508-642-3866

Email: info@coastal-vineyards.com

Website: www.Coastal-Vineyards.com

Contact Person concerning this application (attorney if applicable):

Name:

City/Town:

State

Zip

Address:

Email:

Contact Number:

Fax Number:

2. Event Information:

A. Farmer's Market licenses are only permitted at events that the Department of Agriculture has certified as Agricultural Events.

Please attach document from Department of Agricultural Resources certifying that this is an agricultural event.

Date(s) of Event:

June 8 - October 26, 2016 Wednesdays from 2 - 6:30PM

B. Contact person for applicant during event:

Name: David W. Neilson

Phone number of contact: 508-642-3866

C. Description of the premises within the Farmer's Market:

Address of Premises for the Sale of Wine: Arlington Farmers Market, Russell Commons Municipal Parking lot

City/Town: Arlington State MA Zip 02474 Phone Number of Premises: 781-858-8629

Describe Area to be Licensed:

Arlington Farmers Market

RECEIVED
SELECTMEN'S OFFICE
ARLINGTON, MA 02476
2016 MAR 23 AM 11:02

**FARMER'S MARKET
(CH.138, §15F)**

3. Existing License(s) to Manufacture, Export and Sell at Retail:

List the license(s) you hold which authorize the manufacture, exportation and retail sale of wine to consumers: (Attach a copy of each license)

Name	License Type	License Address
Coastal Vineyards	FW -63	61 Pardon Hill Road, South Dartmouth, MA

4. Are you providing, without charge, samples of wine to prospective customers?

Yes ☒

No ☐

Section 15F specifically requires that "all samples of wine shall be served by an agent, representative or solicitor of the licensee."

A. If yes, please provide names and addresses of all agents, representatives and solicitors:

Name	Address	ABCC License Number
David W. Neilson	61 Pardon Hill Road,	FW - 63

B. Proof of Age for Sale to Consumers:

Please identify all methods by which you will obtain proof of age before providing samples or making any sales of wine to consumers :

MA Drivers License and Military ID

5. Transportation and Delivery:

Please identify in detail all persons or businesses that are licensed under M.G.L. c. 138, §22 that will be making any delivery of wine on your behalf to the Farmer's Market in Massachusetts.

David W. Neilson

**If additional space is needed, please use last page.*

APPLICATION FOR LICENSE BY A FARMER WINERY TO SELL AT A
FARMER'S MARKET
(CH.138, §15F)

6. Safety and Tax Registration:

Has the Farmer's Market registered with the Food and Drug Administration? Yes ☐ No ☒ Registration Date:

7. Disclosure of License Disciplinary Action:

Have any of the your licenses to sell alcoholic beverages ever been suspended, revoked or cancelled?

Yes ☐ No ☒

If yes, list said interest below:

Date	License	Reason why license was Suspended, Revoked or Cancelled

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that, I have filed all state tax returns and paid all state taxes required under law. I further understand that each representation in this application is material to the determination of the application and state under penalty of perjury that all statements and representations therein are true.

Note: The LLA may require additional information.

Signature



Title

Owner

Date

3/14/2016

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

March 10, 2016

Coastal Vineyards
David Neilson
61 Pardon Hill Rd.
South Dartmouth 02748

Re: Certification of Agricultural Event Pursuant to M.G.L. c. 138, Section 15F

Dear Mr. Neilson:

Please be advised that your application for certification of the Arlington Farmers' Market, on Wednesdays from June 8th 2016 to October 26th 2016, from 2:00 pm to 6:30 pm as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

Please remember that, upon certification of an agricultural event by MDAR, the farm-winery must submit a copy of the approved application to the local licensing authority along with the application for obtaining a special license from the city or town in which the event will be held. Upon issuance of a special license, the winery should confirm that a copy of the special license was sent by the local licensing authority to the Alcoholic Beverages Control Commission (ABCC) at least seven (7) days prior to the event.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lebeaux", written over a faint, circular official stamp.

John Lebeaux, Commissioner

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



Application for Certification of an Agricultural Event for the Sale of Wine

Pursuant to M.G.L. c. 138, Section 15F

*To be completed by the licensed farm-winery and returned to:

By Mail: Agricultural Event Certification Program, 251 Causeway Street, Suite 500, Boston, MA 02114

By Email: Rebecca.Davidson@State.ma.us with the subject line "Agricultural Event Certification"

(A separate application must be completed for each event)

In order for your application to be considered complete, you must include the following documents. Incomplete applications will not be accepted.

- ☐ Signed and dated application with farm-winery license number
- ☐ List of vendors with brief descriptions of products for current year/season
- ☐ Event operational guidelines or rules for current year/season
- ☐ Resume of event manager or description of experience
- ☐ Plan depicting the premises and specific location where the license will be exercised. See Template 1.
- ☐ Approval letter from event management including the name of the licensed farm-winery and the day(s), month and year of event. See Template 2.

1. Applicant Information

Name of Licensed Farm-Winery	Coastal Vineyards		
Farm-Winery License Number	FW - 63	State of Issue	MA
Contact Person	David Neilson		
Address	61 Pardon Hill Road		
City	South Dartmouth	State	MA Zip 02748
Phone Number	508-642-3866	Email	dneilson@coastal-vineyards.com
Correspondence preference	<input type="checkbox"/> Regular Mail	<input checked="" type="checkbox"/> Email	
Note: Approval/denial letters will be sent regular mail.			
Do you intend to sell, sample, or both? Check all that apply.			
<input checked="" type="checkbox"/> Sell <input checked="" type="checkbox"/> Sample			

2. Event Information

Name of Agricultural Event	Arlington Farmers Market		
Type of Event	<input type="checkbox"/> Agricultural Fair (as defined by MDAR policy)	<input checked="" type="checkbox"/> Farmers Market (as defined by MDAR policy)	<input type="checkbox"/> Other Agricultural Event
If you selected "Other Agricultural Event", how does this event promote local agriculture?			
Event Address	Russell Commons Municipal Parking Lot at Mystic St / Winslow Street		
City	Arlington	State	MA Zip 02474
Event Phone Number	781-858-8629	Event Website	www.farmersmarketarlington.org

3. Event Description

What are the date(s) and time(s) of the event?

Start date 06 / 8 / 2016 End date 10 / 26 / 2016 Time 2 - 6:30
Month Day Year Month Day Year

If this is a weekly event, on what day of the week does the event occur? Wednesday

If the event is an agricultural fair, does the event include competitive agriculture?

☐ Yes

☐ No

☒ N/A

Is the event sponsored or run by an agricultural/horticultural society, grange, agricultural commission or association whose primary purpose is the promotion of agriculture and its allied industries?

☐ Yes

☒ No

If yes, identify:

4. Event Management

Name of Event Manager Patsy Kraemer

Email Address patsylkraemer@comcast.net

Phone Number 781-858-8629

Is this person the on-site manager?

☒ Yes

☐ No

If no, identify on-site manager (include contact information):

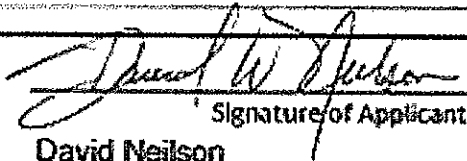
If there are multiple managers, list them and include contact information:

Attach on-site manager(s) resume(s) or list any credentials or training of the on-site manager(s):

Relevant credentials include, but are not limited to, experience as a market manager, attendance at any market manager workshops, and experience with other agricultural events.
see attached

5. General

Attach or provide in the space below a plan depicting the premises and the specific location where the license will be exercised. See template for necessary elements to include.
see attached


Signature of Applicant

David Neilson

Name (please print)

FW - 63

Farm-Winery License Number

3/2/2016
Date

Owner

Title (please print)

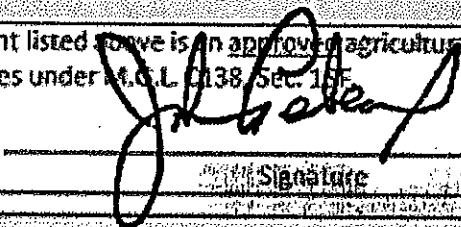
MA

State

FOR DEPARTMENT USE ONLY

APPROVAL

The event listed above is an approved agricultural event by the Massachusetts Department of Agricultural Resources under M.G.L. Ch. 138, Sec. 1B.


Signature

3/10/2016
Date

DENIAL

The event listed above is not approved as an agricultural event by the Massachusetts Department of Agricultural Resources for the following reason(s):

Signature Date



Town of Arlington, Massachusetts

Request: Annual Hardy School PTO Walkathon, Friday, April 29, 2:30 p.m. - 4:00 p.m.

Summary:

Eva Bitteker, Hardy School PTO

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Hardy_School_Walkathon.pdf	Request from Hardy School PTO

From: Eva Bitteker <bergeva@yahoo.com>
To: "mkrepelka@town.arlington.ma.us" <mkrepelka@town.arlington.ma.us>
Cc: Darcy Carr <dfcarr17@gmail.com>
Date: 03/21/2016 06:00 PM
Subject: Permit request for Hardy Walkathon

Mar 21, 2016

Board of Selectmen
Attn Marie Krepelka
Town Hall
730 Mass Ave
Arlington, MA 02474

RE: Hardy School Walkathon

Dear Board of Selectmen,

The Hardy School PTO plans to hold its annual Walkathon on Friday, April 29th, 2016 with a rain date of Friday, May 6, 2016. The event will take place from 2:30-4:00 pm. We would like to request a permit for this event.

As in past years, the children will walk laps around the school to raise funds for the PTO to use for enrichment activities, field trips and other school related activities.

We plan to follow the same route that we've used for the past years. We ask that the Department of Public Works block Chandler Street during the walk except for residents and emergency vehicles. We will create a barrier along the short part of Lake Street where the walkers will be contained on the sidewalk and grass. We will make sure enough adults are stationed along the route to keep the children safe. Abutters will be notified a few nights before the event.

Please let me know if you have any questions. Thank you for your assistance in this matter.

Sincerely,

Eva Bitteker
Hardy School PTO
781-534-4276



Town of Arlington, Massachusetts

Appointments of New Election Workers: (1) Patricia Baillieul, 15 Murray Street, U, Pct. 12; (2) Priscilla Boisvert, 4 Winslow Street, U, Pct. 11; (3) Thomas Fitzgerald, 67 Stowecroft Road, U, Pct. 21; (4) Elaine Forrest, 54 Medford Street, D, Pct. 7; (5) Adrian Landry, 34 Hamilton Road, D, Pct. 2; (6) Joan Morrissey, 4 Winslow Street, U, Pct. 11; (7) Jillian Patti, 30 Tower Road, U, Pct. 17; (8) Kathleen Roche, 121 Newland Road, U, Pct. 21; (9) Donna Shaw, 273 Cambridge Street, U, Pct. 14; (10) Louise Thompson, 8 Summer Street, D, Pct. 14; (11) Colleen Trembly, 112B Sunnyside Avenue, U, Pct. 2

ATTACHMENTS:

Type	File Name	Description
Reference Material	Election_Workers_Master_Records.pdf	Election Worker Master Records

ELECTION WORKER'S MASTER RECORD

Date: 3/23/16

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Position INSPECTOR

Name: PATRICIA BAILLIEU

Democrat Y

Address: 15 MURRAY STREET

Republican _____

Unenrolled V

Zip Code: 02476

Precinct 12

Alpha/Last Name: _____

Phone # 781-444-6029

Position Codes:

- 10 - Warden
- 20 - Deputy Warden
- 30 - Inspector
- 40 - Deputy Inspector
- 50 - Clerk

- 60 - Deputy Clerk
- 70 - Teller
- 80 - Substitute
- 90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/29/16

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Position Inspector

Name: Priscilla Boisvert

Democrat 8

Address: 4 Windsor St.

Republican _____

Apt. 1303

Unenrolled ☒

Zip Code: 02474

Precinct 11

Alpha/Last Name: _____

Phone # 781-643-6719

Position Codes: 10 - Warden
20 - Deputy Warden
30 - Inspector
40 - Deputy Inspector
50 - Clerk

60 - Deputy Clerk
70 - Teller
80 - Substitute
90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/28/14

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Position Warden

Name: Thomas Fitzgerald

Democrat _____

Address: 67 STONECROFT ROAD

Republican _____

Unenrolled ☒

Zip Code: 02474

Precinct A1

Alpha/Last Name: _____

Phone # 781-643-5740

Position Codes: 10 - Warden
20 - Deputy Warden
30 - Inspector
40 - Deputy Inspector
50 - Clerk

60 - Deputy Clerk
70 - Teller
80 - Substitute
90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/29/16

Check One: ✓ New Employee
 Change to Existing Employee

Vendor # _____

Position Inspector

Name: ELAINE FORREST

Democrat ✓

Address: 54 MEDFORD ST.

Republican _____

Apr. 5/11

Unenrolled _____

Zip Code: 02474

Precinct 7

Alpha/Last Name: _____

Phone # 781-643-0257

Position Codes: 10 - Warden
20 - Deputy Warden
30 - Inspector
40 - Deputy Inspector
50 - Clerk

60 - Deputy Clerk
70 - Teller
80 - Substitute
90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/30/16

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Position INSPECTOR

Name: ADRIAN LAUDRY

Democrat ☒

Address: 34 Hamilton Road

Republican _____

301

Unenrolled _____

Zip Code: 02474

Precinct _____

Alpha/Last Name: _____

Phone # 781-648-7719

Position Codes:

- 10 - Warden
- 20 - Deputy Warden
- 30 - Inspector
- 40 - Deputy Inspector
- 50 - Clerk

- 60 - Deputy Clerk
- 70 - Teller
- 80 - Substitute
- 90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/29/16

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Position INSPECTOR

Name: JOAN MORRISSEY

Democrat ☐

Address: 4 WINDSOR ST.

Republican ☐

APT. 801

Unenrolled ☒

Zip Code: 02474

Precinct 11

Alpha/Last Name: _____

Phone # 781 - 646 - 0960

Position Codes: 10 - Warden
20 - Deputy Warden
30 - Inspector
40 - Deputy Inspector
50 - Clerk

60 - Deputy Clerk
70 - Teller
80 - Substitute
90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/31/16

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Position Inspector

Name: Jillann Patti

Democrat _____

Address: 30 Tower Road

Republican _____

Unenrolled ☒

Zip Code: 02474

Precinct 17

Alpha/Last Name: _____

Phone # 781-648-1704

Position Codes:

- 10 - Warden
- 20 - Deputy Warden
- 30 - Inspector
- 40 - Deputy Inspector
- 50 - Clerk

- 60 - Deputy Clerk
- 70 - Teller
- 80 - Substitute
- 90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/31/16

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Position INSPECTOR

Name: KATHIEEN ROOHE

Democrat 8

Address: 121 NEWLAND ROAD

Republican _____

Unenrolled ☒

Zip Code: 02474

Precinct 21

Alpha/Last Name: _____

Phone # 781-641-4350

Position Codes: 10 - Warden
20 - Deputy Warden
30 - Inspector
40 - Deputy Inspector
50 - Clerk

60 - Deputy Clerk
70 - Teller
80 - Substitute
90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/31/4

Check One: New Employee
 Change to Existing Employee

Vendor # _____

Position WARDEN

Name: DONNA SHAW

Democrat

Address: 273 Cambridge St.

Republican _____

Apr. 303

Unenrolled ✓

Zip Code: 01801

Precinct

Alpha/Last Name: _____

Phone # 978-618-9113

Position Codes: 10 - Warden
20 - Deputy Warden
30 - Inspector
40 - Deputy Inspector
50 - Clerk

60 - Deputy Clerk
70 - Teller
80 - Substitute
90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/29/16

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Position Inspector

Name: Louise Thompson

Democrat ☒

Address: 8 SUMMER STREET

Republican _____

APT. 507

Unenrolled _____

Zip Code: 02474

Precinct 14

Alpha/Last Name: _____

Phone # 781-799-2684

Position Codes: 10 - Warden
20 - Deputy Warden
30 - Inspector
40 - Deputy Inspector
50 - Clerk

60 - Deputy Clerk
70 - Teller
80 - Substitute
90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/23/14

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Position CLERK

Name: COLLEEN TREMBLY SHEA

Democrat 8

Address: 112 B SUNNYSIDE AVENUE

Republican _____

Unenrolled ☒

Zip Code: 02474

Precinct 21

Alpha/Last Name: _____

Phone # (781) 856-5165

Position Codes:

10 - Warden
20 - Deputy Warden
30 - Inspector
40 - Deputy Inspector
50 - Clerk

60 - Deputy Clerk
70 - Teller
80 - Substitute
90 - Custodian



Town of Arlington, Massachusetts

For Approval: Cafe Outside Seating Permit Renewals

Summary:

Common Ground, 319 Broadway
Ristorante Olvio, 201 Massachusetts Avenue
The Madrona Tree, 315 Broadway

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	Ref_Mat_4.4.16_Sidewalk_Cafe_Packet.pdf	Sidewalk Cafe Permit Renewal Packet

**SIDEWALK CAFÉ PERMIT
INSPECTIONS SUMMARY REPORT-2016 ANNUAL RENEWALS**

COMMON GROUND
RISTORANTE OLIVIO
THE MADRONA TREE

The following Departments have **no objections** to the issuance of said license:

- BOH X
- Building X
- Planning X
- ADA Compliance X

The following Departments have **objections** to the issuance of said license:
(see attached comments)

- BOH
- Building
- Planning
- ADA Compliance

**BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is due at the Office of the Board of Selectmen by, **Thursday, March 31, 2016**
ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 319 Broadway
Applicant's Name: Bob O'Guin
D/B/A: Common Ground
Telephone: 781 728-0060
Department: Sent Interoffice Mail & E-mail Original Approval Date : 6/18/15

MEETING DATE: April 4, 2016

Departments:

RE:OUTSIDE FURNITURE PERMIT

Board of Health

Building

Planning

ADA Compliance

Comments by each Division or Department:

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: _____

Date: _____



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

To: Board of Selectmen
From: Natasha Waden, Health Compliance Officer
Date: March 31, 2016
RE: Café Outdoor Seating Permit Renewals

Please accept the following as comments from the Office of the Board of Health regarding Permit Renewals for Café Outdoor Seating at Barismo, Common Ground, Ristorante Olivio, and The Madrona Tree:

- The Establishment must prohibit smoking in the outdoor seating area by conspicuously posting a notice or sign which states "No Smoking" or the by using a sign with the international "No Smoking" symbol in the outdoor area.
- The owner or designated Person in Charge is responsible for maintaining the outdoor seating area Smoke Free.
- Any person in charge of a public place or workplace who fails to comply with the regulations is subject to a fine of two hundred dollars (\$200.00) for each day of the violation.
- The Establishment is responsible for maintaining the outdoor seating in a clean and sanitary manner, free from garbage and trash or other refuse that would constitute a public health nuisance.

**BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is due at the Office of the Board of Selectmen by, **Thursday, March 31, 2016**
ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 319 Broadway
Applicant's Name: Bob O'Guin
D/B/A: Common Ground
Telephone: 781 728-0060
Department: Sent Interoffice Mail & E-mail Original Approval Date : 6/18/15

MEETING DATE: April 4, 2016

Departments:

RE:OUTSIDE FURNITURE PERMIT

Board of Health

☒ Building

Planning

ADA Compliance

Comments by each Division or Department:

Inspectional Services has no objections to this or any other outdoor furniture permit the BoS wishes to grant. The applicant will need to present plans to this department for building code review prior to furniture being approved or placed. At that time, we can over particulars such as aisle width, distance between chairs/tables and how the new occupant load may affect the establishments bathroom requirements, among other possible issues.

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: _____

Date: _____



TOWN OF ARLINGTON
MASSACHUSETTS 02476
781 - 316 - 3090
DEPARTMENT OF PLANNING &
COMMUNITY DEVELOPMENT

To: Arlington Board of Selectmen, c/o Mary Ann Sullivan
From: Ted Fields, Dept. of Planning & Community Development
Date: March 29th, 2016
Re: Sidewalk Cafe License Renewals, 2016

Per your request on March 25th, 2016 (updated on March 28th), the Planning Department has reviewed annual renewal applications for the following Sidewalk Cafe licenses approved by the Arlington Board of Selectmen in 2015:

Common Ground - 319 Broadway

The existing approved outdoor seating area for this restaurant consists of fourteen (14) tables seating thirty eight (38) diners in a cordoned space separated from the restaurant's facade by an acceptable eight (8) foot pedestrian travel corridor. The outdoor seating area is sufficiently buffered by planters and flexible cordons, as suggested in the sidewalk cafe regulations. The applicant demonstrates acceptable coverage of \$1,000,000 in general liability insurance.

In 2015, two problems were encountered with this outdoor seating area. The original approval granted by the Selectmen in 2015 stipulated that the applicant maintain at least an eight (8) foot buffer between its outdoor seating area and the outdoor seating space of the adjacent Madrona Tree restaurant. The applicant violated this requirement once last year, which it quickly corrected. Additionally, the applicant refused a request from the Selectmen's Office to refrain from using table umbrellas emblazoned with an alcohol-related logo in this outdoor seating area.

This permit should be renewed for 2016 as long: 1) the applicant agrees to maintain at least an eight (8) foot buffer at all times between its outdoor seating area and that of the Madrona Tree and 2) the applicant agrees to use table umbrellas without an alcohol-related logo.

COMMISSION ON DISABILITY, TOWN OF ARLINGTON

20 ACADEMY STREET, SUITE 203, ARLINGTON, MASSACHUSETTS 02476-6436 (781) 316-3431



MEMO TO: Board of Selectmen
Adam Chadelaine, Town Manager

FROM: Jack Jones, Director of Housing & Disability Programs JJ

DATE: March 31, 2016

RE: Outside Furniture Permit

It appears from the attached diagram and a completed survey of the sidewalk in front of **Common Ground, 319 Broadway**, that all conditions pertaining to accessibility of sidewalk dining will be in compliance with federal and state regulations.

In order to be in compliance with regards to sidewalk dining the absolute minimum clear path of travel along the sidewalk must be at least 36" according to the Massachusetts Architectural Access Board and the Americans with Disabilities Act Architectural Guidelines. The Arlington Commission on Disability however requests the consideration of the Board of Selectmen to require a minimum of 48" of clear unobstructed sidewalk between the exterior wall of the restaurant and the nearest obstruction to the path of travel. Possible obstructions that could affect compliance that will need to be watched are tables, chairs, other furniture, trees, trash receptacles, fire hydrants, planters, sandwich boards, etc. In addition a portion (5%), but not less than one, of available seating must be wheelchair accessible, with an accessible route of at least 36" between tables. The Disability Commission strongly recommends to the Board of Selectmen that a compliance monitoring process be developed in addition to employee training for all restaurant employees to ensure that accessibility is maintained after the permitting process.

Sidewalk Café Permit Application - Town of Arlington, MA

RECEIVED
SELECTMEN'S OFFICE
ARLINGTON, MA. 02174
FEB 17 11 59 AM '16

This is an application to the Board of Selectmen of the Town of Arlington Massachusetts, for a permit to place and maintain a Sidewalk Café (an outside seating area for licensed restaurants) on the public right of way in Arlington, Massachusetts described below:

(PLEASE TYPE OR PRINT)

Business Name: Common Ground

Length of Storefront (ft): 33'

Business Address/Location: 319 Broadway

Width of Sidewalk along Storefront (ft); *1: 54'

Phone Number/Email: 781-728-0060 Common Ground Arlington

Length of Proposed Sidewalk Café (ft): 24'-9"

Business Representative's Name: @Gmail.com Bob O'Keefe

Width of Proposed Sidewalk Café (ft); *2: 22'-5"

Name & Address of Building Owner:

*1: Measure from front Building Wall to inside of sidewalk granite curb edge.

*2: Measure from front Building Wall to outside of Sidewalk Café surrounding border fencing/barrier.

Application Submittal Requirements:

1.) Fee: An annual permit fee of **\$50.00** payable to the Town of Arlington filed with the Selectmen's Office. The Board may prorate its fee for applicants in their initial term to reflect the number of months the permit sought will be held.

2.) Site Plan: Furnish a **Site Plan** (scale diagram) showing the location of tables, chairs, umbrellas, trash receptacles, heaters, barricades, as well as a **picture or photograph of the proposed furniture** in compliance with the following requirements:

- No person or entity shall cause to be placed within the public ways any furniture without applying for a permit and receiving approval from the Board of Selectmen of the Town. This permit shall be considered separate and distinct from others issued by the Town, including those for common victuallers.
- Ordinarily, the location of the sidewalk café must be directly in front of the business operating the café, and may not extend beyond the side property lines. It shall be sited as close to the building façade as practicable and in no event to exceed twelve (12) feet from the food service door of the establishment.
 - Under limited circumstances, sidewalk café areas may be approved adjacent to a storefront, grouped at a distance from the storefronts, or allowed in both positions if a scaled plan showing dimensions clearly establishes:

* 50 Check # 1737

- a) The requested location(s) create the least obstruction for pedestrian access to storefronts, crosswalks and pedestrian circulation, and/or
 - b) the location does not extend substantially beyond the side edges of the business (allowing for up to 10 feet of latitude where landscaping, public facilities, utility poles or adjacent seating areas obstruct the front of the business premises), and/or
 - c) no more than 256 square feet of the public way would be cordoned off for establishments serving liquor unless the Board determines from the scaled site plan (with dimensions shown) and photos that additional square footage for outdoor seating would not leave less than 36" to the nearest barrier, would not impede circulation, and would not preclude other allowed desirable uses for the public space, and
 - d) in every case, the additional seating does not violate zoning, building, or other code as determined by the Director of Inspectional Services.
- Further, Tables, chairs, benches, food equipment shall be located so that they do not impede, endanger or interfere with pedestrian traffic, with a minimum width of three (3) feet and a recommended width of four (4) feet of unobstructed passage for pedestrian traffic.
 - In addition, no sidewalk café furniture shall be affixed, erected, installed, placed, used or maintained **within five (5) feet** of any marked or unmarked crosswalk or handicapped ramp; or within five (5) feet of any fire hydrant, fire lane, call box, or bus stop.
 - Unlicensed furniture within the public ways of the Town will be subject to removal with the cost thereof to be borne entirely by the owner. In addition, fines may be imposed by the Board of Selectmen not to exceed \$100 for removal, storage or destruction.
 - No fixtures or devices on which food or beverages are sold or consumed shall be attached to the sidewalk or other public area. The property owner is responsible for the restoration of the sidewalk or public-right-of-way if any damage is caused by the sidewalk café. Physical barriers bordering/framing a sidewalk café may not exceed four (4) feet in height.
 - Lighting for sidewalk cafes is subject to approval during the permitting process. Tabletop lighting may include candles and battery-operated fixtures.
 - Well-designed physical barricades surrounding/framing sidewalk cafés are **strongly encouraged**.

3.) Insurance: The applicant restaurant-owner shall furnish a **certificate of insurance** providing commercial insurance coverage for bodily injury, death, disability, and property damage liability in the following amounts:

- At least \$1,000,000 per occurrence and \$3,000,000 annual aggregate for any restaurant serving alcohol as part of its use of sidewalk café space; or

- **At least \$300,000 per occurrence and \$900,000 annual aggregate for restaurants which are either not licensed to serve alcohol or restaurants which attest that they will not serve alcohol as part of their use of sidewalk café space.**

The Town of Arlington shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In the event the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked. The permit holder shall immediately inform the Selectmen's Office if insurance under this provision is revoked and shall not operate the sidewalk café until insurance is restated in accordance with this requirement. An insurance certificate naming the Town as an additional insured must be provided to the Office of the Board of Selectmen before any Sidewalk Café/Outdoor Seating Area will be issued.

4.) Indemnification and Acknowledgement of Rights: The applicant restaurant-owner shall also furnish a signed agreement to indemnify the Town of Arlington for its use of public property as a sidewalk café/outdoor seating from any and all claims that may be brought against the Town in connection with such use. Such a signed agreement shall also acknowledge the Town's rights with respect to its property and the limitations of the permit (attached hereto).

5.) Compliance Requirements: By signing this application, the Applicant agrees to accept and comply with the following requirements:

- All services provided to sidewalk café customer and customer activity must occur within the designated sidewalk café area.
- Permit holder is responsible for proper supervision of the sidewalk café in order to ensure the requirements of this section are met.
- Permit holders must ensure that the requirements for operation are met. These include:
 - Patrons must wear shoes and shirts at all times.
 - All sidewalk cafes must maintain at least one opening for ingress and egress at all times. All sidewalk cafes shall abide by all requirements of the currently adopted International Building Code and the American's with Disabilities Act.
 - To the extent applicable, sidewalk cafes must adhere to all regulations pertaining to food and beverage enforced by the Board of Health and Board of Selectmen.
 - All areas within and surrounding a sidewalk café must be maintained in a clean, neat, and sanitary condition.
 - All permit holders shall be required to abide by all federal, state, and local laws.
 - Outdoor alcohol service (and food service when alcohol is served outdoors) shall conclude at or before 10:00 p.m. Sunday through Thursday, and at or before 11:00 p.m. Friday and Saturday.

6.) Other Regulations: By receiving a sidewalk café/outdoor seating permit, restaurants are not exempted from other federal, state, and local laws and regulations. Among other regulations, permit holders must comply with local zoning and state building code requirements and Board of Selectmen alcohol service regulations. Applicants are strongly advised to ensure their plans comply with zoning and state building requirements by contacting Inspectional Services.

7.) Revocation: The sidewalk café permit may be revoked for failure to maintain the standards required for the initial permit. A notice of intent to revoke a sidewalk café permit shall be given in writing 10-days prior to actual revocation and shall specify the area or areas of failure to meet requirements and maintain conditions the Town may have imposed. If, during that period, proof of compliance is made to the satisfaction of designated Town Inspectors by the holder of the permit, the permit shall be continued in force.

- Applicant certifies that all current property taxes due on its licensed premises are paid if property is owned by the Applicant.
- Applicant agrees to permit the Town to periodically verify the accuracy of information contained in this Application and agrees to provide information requested to verify the accuracy of the information and the Certifications contained in this Application.

8.) Term & Non-Transferability: Each Sidewalk Café Permit is valid for one calendar year from the January 1st through December 31st and is non-transferable.

I have read and fully understand the above rules and regulations applying to the approval of this permit.

Dated 2/17, 2014

By: _____

(Signature)

(Print Name & Address) _____

Bob D. O'Huin Jr

319 Broadway
Arlington MA.

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON

SIDEWALK CAFÉ INDEMNIFICATION AGREEMENT & ACKNOWLEDGEMENT

On behalf of the business applying for a Sidewalk Café (Outdoor Seating) license from the Town of Arlington Board of Selectmen, I, as a duly authorized agent of Common Ground, a licensed restaurant operating within the Town of Arlington, acknowledge that I seek permission to use a portion of the public sidewalk in front of (or where permitted, adjacent to) the business premises to operate a sidewalk café/outdoor seating area. I understand that a Sidewalk Café permit does not give my business any right, title, or interest in any part of the sidewalk space approved for use.

Furthermore, I, as a duly authorized agent of Common Ground, agree to hold harmless the Town of Arlington, its officers and employees, for any loss or damage arising from the use of the public sidewalk or the discontinuance of use resulting from an order, demand, or notice of any governmental agency with jurisdiction.

I understand that Board of Selectmen and/or any government agency with jurisdiction may revoke my permit to use public sidewalk space at any time for any reason whatsoever. The permit can be revoked for failure to comply with any terms and conditions of the permit or any agreements between my business and the Town of Arlington or for violation of any of the rules and regulations enforced by Board of Selectmen, the Department of Inspectional Services, the Police Department, or the Board of Health. I understand there will be no refund of any fees or compensation paid to the Town of Arlington.

I further agree to promptly remove any property placed on the sidewalk space or reimburse the Town of Arlington for the cost of moving my business' property upon receipt of any written notice, demand, or order to vacate the sidewalk space from a governmental agency with jurisdiction.

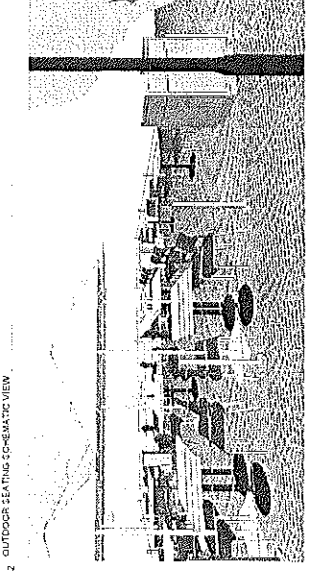
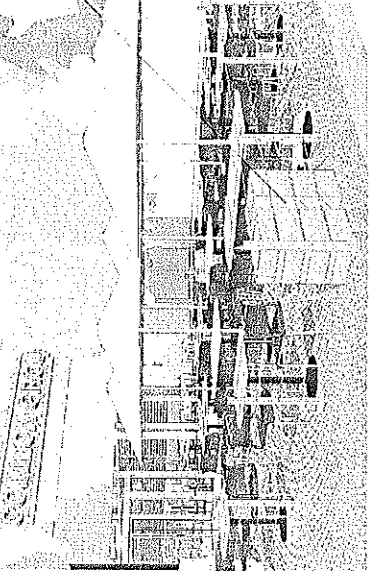
I certify that I have read and agree with the terms and conditions outlined both here and within the Sidewalk Café Permit Application.

Signature

Date

B. J. L. Jr.

2/17/16



POST & CABLE FENCE

HOSTESS PODIUM

MOVABLE METAL POST BARRICADE FOR DINING AREA

SEAT COUNT 38

MOVABLE PLANTERS

EXISTING TREE PLANTER

EXISTING TREE PLANTER

EXISTING FLOWER BED

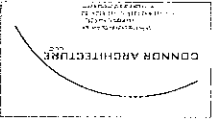


1. Outdoor Seating Plan
3/8" = 1'-0"

SK4

DATE: 01/15/2016
REVISION: 01/15/2016

PROPOSED OUTDOOR SEATING
Common Ground
319 BROADWAY ST.
ARLINGTON, MA 02474



SK4

SHEET

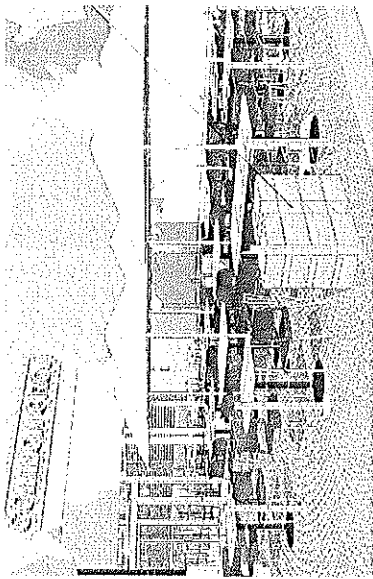
DATE: 01-20-2016
DESCRIPTION: 111

Common Ground
319 BROADWAY ST.
ARLINGTON, MA 02474

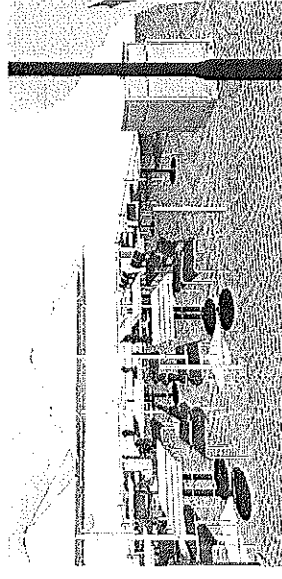
CONOR ARCHITECTURE
111 BROADWAY ST.
ARLINGTON, MA 02474
TEL: 617-489-1111
WWW.CONORARCHITECTURE.COM



1" Outdoor Seating Plan
3/8" = 1'-0"



1. OUTDOOR SEATING SCHEMATIC VIEW 1



2. OUTDOOR SEATING SCHEMATIC VIEW 2



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/29/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Malcolm & Parsons Insurance Agency 713 Washington Street P.O. Box 527 Stoughton MA 02072	CONTACT NAME: Lynn LeCourt PHONE (A/C, No, Ext): (781) 344-3200 FAX (A/C, No): (781) 344-1425 E-MAIL ADDRESS: llc@malcolmandparsons.com
INSURED Blog Corp, DBA: Common Ground Arlington 319 Broadway Street Arlington MA 02474	INSURER(S) AFFORDING COVERAGE INSURER A Hospitality Mutual Insurance INSURER B NorGUARD INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES

CERTIFICATE NUMBER: Master 11/05/15

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:		00081780GL	10/7/2015	10/7/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		00081780EL	10/7/2015	10/7/2016	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	BLWC675413	10/21/2015	10/21/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Liquor Liability		00081782LL	10/7/2015	10/7/2016	Per Occurrence \$1,000,000 Aggregate \$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Tavern

CERTIFICATE HOLDER

CANCELLATION

Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Amne Parsons/JAIME

© 1988-2014 ACORD CORPORATION. All rights reserved.

1737

BLOG LLC
14 HILLSIDE TER
NEWTON, MA 02465

CAMBRIDGE SAVINGS BANK
63-7112-2113

2/17/2016

PAY TO THE
ORDER OF Town of Arlington

Fifty and 00/100***** \$ **50.00

Town of Arlington

DOLLARS

[Signature]
AUTHORIZED SIGNATURE

MEMO

⑈001737⑈ ⑆211371120⑆ 1031913E⑈

BLOG LLC

Town of Arlington

1737

2/17/2016

50.00

Cambridge Savings

50.00

Security features. Details on back.

880271/05-08

**BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is due at the Office of the Board of Selectmen by, **Thursday, March 31, 2016**
ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 201 Mass. Ave.
Applicant's Name: Angelo DiGirolamo
D/B/A: Ristorante Olivio
Telephone: 781 728-0060
Department: Sent Interoffice Mail & E-mail Original Approval Date : 8/17/15

MEETING DATE: April 4, 2016

Departments:

RE: OUTSIDE FURNITURE PERMIT

Board of Health
Building
Planning
ADA Compliance

Comments by each Division or Department:

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: _____

Date: _____



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

To: Board of Selectmen
From: Natasha Waden, Health Compliance Officer
Date: March 31, 2016
RE: Café Outdoor Seating Permit Renewals

Please accept the following as comments from the Office of the Board of Health regarding Permit Renewals for Café Outdoor Seating at Barismo, Common Ground, Ristorante Olivio, and The Madrona Tree:

- The Establishment must prohibit smoking in the outdoor seating area by conspicuously posting a notice or sign which states "No Smoking" or the by using a sign with the international "No Smoking" symbol in the outdoor area.
- The owner or designated Person in Charge is responsible for maintaining the outdoor seating area Smoke Free.
- Any person in charge of a public place or workplace who fails to comply with the regulations is subject to a fine of two hundred dollars (\$200.00) for each day of the violation.
- The Establishment is responsible for maintaining the outdoor seating in a clean and sanitary manner, free from garbage and trash or other refuse that would constitute a public health nuisance.

**BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT**

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Telephone: 781 728-0060
Department: Sent Interoffice Mail & E-mail Original Approval Date : 8/17/15

MEETING DATE: April 4, 2016

Departments:

RE: OUTSIDE FURNITURE PERMIT

Board of Health

☒ Building

Planning

ADA Compliance

Comments by each Division or Department:

Inspectional Services has no objections to this or any other outdoor furniture permit the BoS wishes to grant. The applicant will need to present plans to this department for building code review prior to furniture being approved or placed. At that time, we can over particulars such as aisle width, distance between chairs/tables and how the new occupant load may affect the establishments bathroom requirements, among other possible issues.

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Applicant's Signature: _____

Date: _____



TOWN OF ARLINGTON

MASSACHUSETTS 02476

781 - 316 - 3090

DEPARTMENT OF PLANNING &
COMMUNITY DEVELOPMENT

To: Arlington Board of Selectmen, c/o Mary Ann Sullivan

From: Ted Fields, Dept. of Planning & Community

Development Date: March 29th, 2016

Re: Sidewalk Cafe License Renewals, 2016

Per your request on March 25th, 2016 (updated on March 28th), the Planning Department has reviewed annual renewal applications for the following Sidewalk Cafe licenses approved by the Arlington Board of Selectmen in 2015:

Ristorante Olivio - 201 Massachusetts Avenue

The existing approved outdoor seating areas of this restaurant consists of six tables against the Massachusetts Avenue curb line, separated from the main facade by an acceptable four (4) foot pedestrian travel corridor. The curbside area is sufficiently buffered by planters and flexible cordons, as suggested in the sidewalk cafe regulations. The applicant demonstrates acceptable coverage of \$1,000,000 in general liability insurance. This permit should be renewed for 2016.

COMMISSION ON DISABILITY, TOWN OF ARLINGTON

20 ACADEMY STREET, SUITE 203, ARLINGTON, MASSACHUSETTS 02476-6436 (781) 316-3431



MEMO TO: Board of Selectmen
Adam Chadelaine, Town Manager

FROM: Jack Jones, Director of Housing & Disability Programs

jj

DATE: March 31, 2016

RE: Outside Furniture Permit

It appears from the attached diagram and a completed survey of the sidewalk in front of **Ristorante Olivio, 201 Mass. Ave.** that all conditions pertaining to accessibility of sidewalk dining will be in compliance with federal and state regulations.

In order to be in compliance with regards to sidewalk dining the absolute minimum clear path of travel along the sidewalk must be at least 36" according to the Massachusetts Architectural Access Board and the Americans with Disabilities Act Architectural Guidelines. The Arlington Commission on Disability however requests the consideration of the Board of Selectmen to require a minimum of 48" of clear unobstructed sidewalk between the exterior wall of the restaurant and the nearest obstruction to the path of travel. Possible obstructions that could affect compliance that will need to be watched are tables, chairs, other furniture, trees, trash receptacles, fire hydrants, planters, sandwich boards, etc. In addition a portion (5%), but not less than one, of available seating must be wheelchair accessible, with an accessible route of at least 36" between tables. The Disability Commission strongly recommends to the Board of Selectmen that a compliance monitoring process be developed in addition to employee training for all restaurant employees to ensure that accessibility is maintained after the permitting process.

Sidewalk Café Permit Application - Town of Arlington, MA

This is an application to the Board of Selectmen of the Town of Arlington Massachusetts, for a permit to place and maintain a Sidewalk Café (an outside seating area for licensed restaurants) on the public right of way in Arlington, Massachusetts described below:

(PLEASE TYPE OR PRINT)

Business Name:
Ristorante Olivo

Length of Storefront (ft):
60 feet

Business Address/Location:
201 Mass. Ave. Arlington, MA

Width of Sidewalk along Storefront (ft); *1:
18 feet

Phone Number/Email:
781-648-2300 / info@ristoranteolivo.com

Length of Proposed Sidewalk Café (ft):
30 feet

Business Representative's Name:
Angelo DiGirolamo

Width of Proposed Sidewalk Café (ft); *2:
14 feet

Name & Address of Building Owner:
David Epstein 266 Bishops Forest Drive, Waltham, MA 02452

*1: Measure from front Building Wall to inside of sidewalk granite curb edge.

*2: Measure from front Building Wall to outside of Sidewalk Café surrounding border fencing/barrier.

Application Submittal Requirements:

1.) Fee: An annual permit fee of **\$50.00** payable to the Town of Arlington filed with the Selectmen's Office. The Board may prorate its fee for applicants in their initial term to reflect the number of months the permit sought will be held.

2.) Site Plan: Furnish a **Site Plan** (scale diagram) showing the location of tables, chairs, umbrellas, trash receptacles, heaters, barricades, as well as a **picture or photograph of the proposed furniture** in compliance with the following requirements:

- No person or entity shall cause to be placed within the public ways any furniture without applying for a permit and receiving approval from the Board of Selectmen of the Town. This permit shall be considered separate and distinct from others issued by the Town, including those for common victuallers.
- Ordinarily, the location of the sidewalk café must be directly in front of the business operating the café, and may not extend beyond the side property lines. It shall be sited as close to the building façade as practicable and in no event to exceed twelve (12) feet from the food service door of the establishment.
 - Under limited circumstances, sidewalk café areas may be approved adjacent to a storefront, grouped at a distance from the storefronts, or allowed in both positions if a scaled plan showing dimensions clearly establishes:

\$50 check # 3353

- a) The requested location(s) create the least obstruction for pedestrian access to storefronts, crosswalks and pedestrian circulation, and/or
 - b) the location does not extend substantially beyond the side edges of the business (allowing for up to 10 feet of latitude where landscaping, public facilities, utility poles or adjacent seating areas obstruct the front of the business premises), and/or
 - c) no more than 256 square feet of the public way would be cordoned off for establishments serving liquor unless the Board determines from the scaled site plan (with dimensions shown) and photos that additional square footage for outdoor seating would not leave less than 36" to the nearest barrier, would not impede circulation, and would not preclude other allowed desirable uses for the public space, and
 - d) in every case, the additional seating does not violate zoning, building, or other code as determined by the Director of Inspectional Services.
- Further, Tables, chairs, benches, food equipment shall be located so that they do not impede, endanger or interfere with pedestrian traffic, with a minimum width of three (3) feet and a recommended width of four (4) feet of unobstructed passage for pedestrian traffic.
 - In addition, no sidewalk café furniture shall be affixed, erected, installed, placed, used or maintained **within five (5) feet** of any marked or unmarked crosswalk or handicapped ramp; or within five (5) feet of any fire hydrant, fire lane, call box, or bus stop.
 - Unlicensed furniture within the public ways of the Town will be subject to removal with the cost thereof to be borne entirely by the owner. In addition, fines may be imposed by the Board of Selectmen not to exceed \$100 for removal, storage or destruction.
 - No fixtures or devices on which food or beverages are sold or consumed shall be attached to the sidewalk or other public area. The property owner is responsible for the restoration of the sidewalk or public-right-of-way if any damage is caused by the sidewalk café. Physical barriers bordering/framing a sidewalk café may not exceed four (4) feet in height.
 - Lighting for sidewalk cafes is subject to approval during the permitting process. Tabletop lighting may include candles and battery-operated fixtures.
 - Well-designed physical barricades surrounding/framing sidewalk cafés are **strongly encouraged**.

3.) **Insurance:** The applicant restaurant-owner shall furnish a **certificate of insurance** providing commercial insurance coverage for bodily injury, death, disability, and property damage liability in the following amounts:

- **At least \$1,000,000 per occurrence and \$3,000,000 annual aggregate for any restaurant serving alcohol as part of its use of sidewalk café space; or**

- **At least \$300,000 per occurrence and \$900,000 annual aggregate for restaurants which are either not licensed to serve alcohol or restaurants which attest that they will not serve alcohol as part of their use of sidewalk café space.**

The Town of Arlington shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In the event the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked. The permit holder shall immediately inform the Selectmen's Office if insurance under this provision is revoked and shall not operate the sidewalk café until insurance is restated in accordance with this requirement. An insurance certificate naming the Town as an additional insured must be provided to the Office of the Board of Selectmen before any Sidewalk Café/Outdoor Seating Area will be issued.

4.) Indemnification and Acknowledgement of Rights: The applicant restaurant-owner shall also furnish a signed agreement to indemnify the Town of Arlington for its use of public property as a sidewalk café/outdoor seating from any and all claims that may be brought against the Town in connection with such use. Such a signed agreement shall also acknowledge the Town's rights with respect to its property and the limitations of the permit (attached hereto).

5.) Compliance Requirements: By signing this application, the Applicant agrees to accept and comply with the following requirements:

- All services provided to sidewalk café customer and customer activity must occur within the designated sidewalk café area.
- Permit holder is responsible for proper supervision of the sidewalk café in order to ensure the requirements of this section are met.
- Permit holders must ensure that the requirements for operation are met. These include:
 - Patrons must wear shoes and shirts at all times.
 - All sidewalk cafes must maintain at least one opening for ingress and egress at all times. All sidewalk cafes shall abide by all requirements of the currently adopted International Building Code and the American's with Disabilities Act.
 - To the extent applicable, sidewalk cafes must adhere to all regulations pertaining to food and beverage enforced by the Board of Health and Board of Selectmen.
 - All areas within and surrounding a sidewalk café must be maintained in a clean, neat, and sanitary condition.
 - All permit holders shall be required to abide by all federal, state, and local laws.
 - Outdoor alcohol service (and food service when alcohol is served outdoors) shall conclude at or before 10:00 p.m. Sunday through Thursday, and at or before 11:00 p.m. Friday and Saturday.

6.) Other Regulations: By receiving a sidewalk café/outdoor seating permit, restaurants are not exempted from other federal, state, and local laws and regulations. Among other regulations, permit holders must comply with local zoning and state building code requirements and Board of Selectmen alcohol service regulations. Applicants are strongly advised to ensure their plans comply with zoning and state building requirements by contacting Inspectional Services.

7.) Revocation: The sidewalk café permit may be revoked for failure to maintain the standards required for the initial permit. A notice of intent to revoke a sidewalk café permit shall be given in writing 10-days prior to actual revocation and shall specify the area or areas of failure to meet requirements and maintain conditions the Town may have imposed. If, during that period, proof of compliance is made to the satisfaction of designated Town Inspectors by the holder of the permit, the permit shall be continued in force.

- Applicant certifies that all current property taxes due on its licensed premises are paid if property is owned by the Applicant.
- Applicant agrees to permit the Town to periodically verify the accuracy of information contained in this Application and agrees to provide information requested to verify the accuracy of the information and the Certifications contained in this Application.

8.) Term & Non-Transferability: Each Sidewalk Café Permit is valid for one calendar year from the January 1st through December 31st and is non-transferable.

I have read and fully understand the above rules and regulations applying to the approval of this permit.

Dated 3-1, 2016

By: _____

(Signature)

(Print Name & Address) ANGELO DI GIROLAMO 201 MASS. AVE. ARLINGTON MA

02474

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON

SIDEWALK CAFÉ INDEMNIFICATION AGREEMENT & ACKNOWLEDGEMENT

On behalf of the business applying for a Sidewalk Café (Outdoor Seating) license from the Town of Arlington Board of Selectmen, I, as a duly authorized agent of Ristorante Olivo, a licensed restaurant operating within the Town of Arlington, acknowledge that I seek permission to use a portion of the public sidewalk in front of (or where permitted, adjacent to) the business premises to operate a sidewalk café/outdoor seating area. I understand that a Sidewalk Café permit does not give my business any right, title, or interest in any part of the sidewalk space approved for use.

Furthermore, I, as a duly authorized agent of Ristorante Olivo, agree to hold harmless the Town of Arlington, its officers and employees, for any loss or damage arising from the use of the public sidewalk or the discontinuance of use resulting from an order, demand, or notice of any governmental agency with jurisdiction.

I understand that Board of Selectmen and/or any government agency with jurisdiction may revoke my permit to use public sidewalk space at any time for any reason whatsoever. The permit can be revoked for failure to comply with any terms and conditions of the permit or any agreements between my business and the Town of Arlington or for violation of any of the rules and regulations enforced by Board of Selectmen, the Department of Inspectional Services, the Police Department, or the Board of Health. I understand there will be no refund of any fees or compensation paid to the Town of Arlington.

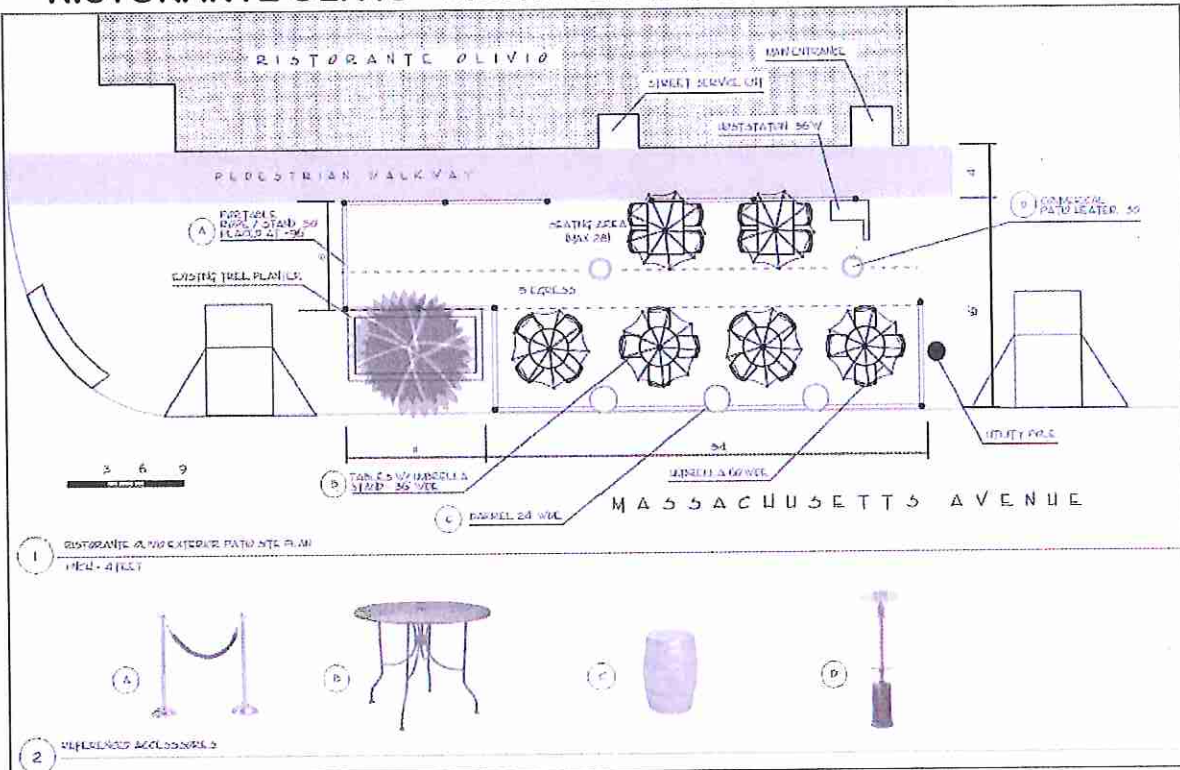
I further agree to promptly remove any property placed on the sidewalk space or reimburse the Town of Arlington for the cost of moving my business' property upon receipt of any written notice, demand, or order to vacate the sidewalk space from a governmental agency with jurisdiction.

I certify that I have read and agree with the terms and conditions outlined both here and within the Sidewalk Café Permit Application.

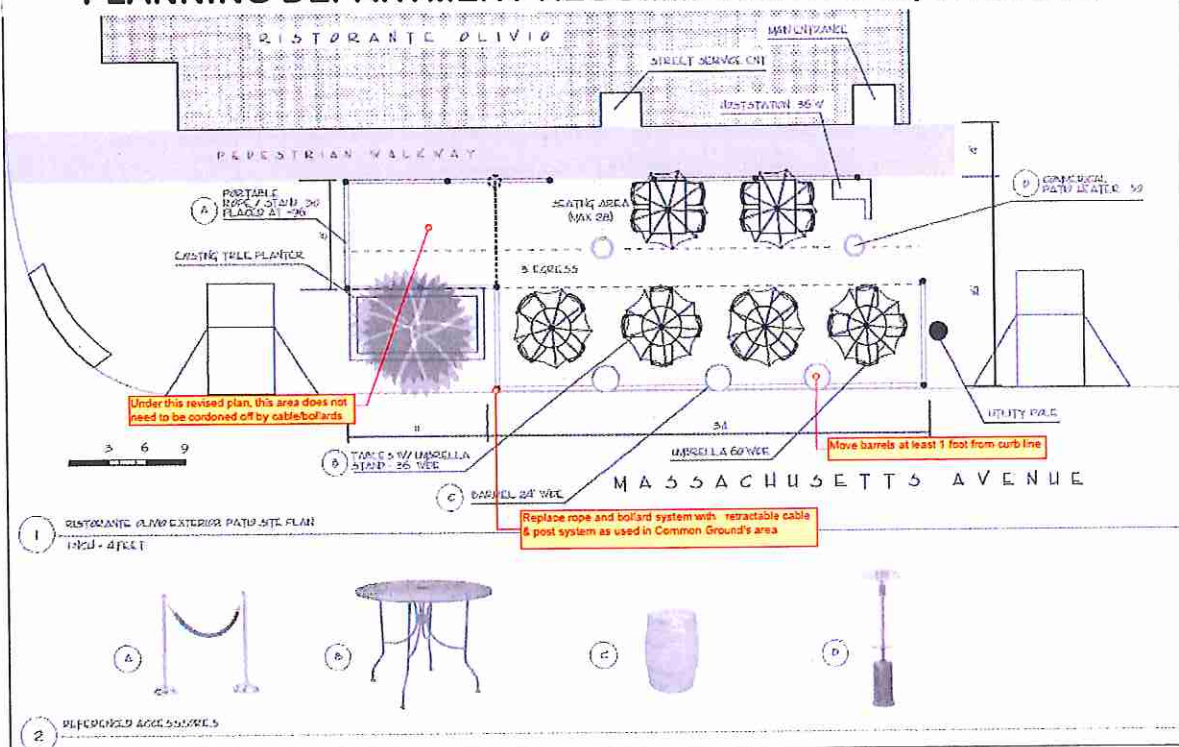
Angel M. Giron
Signature

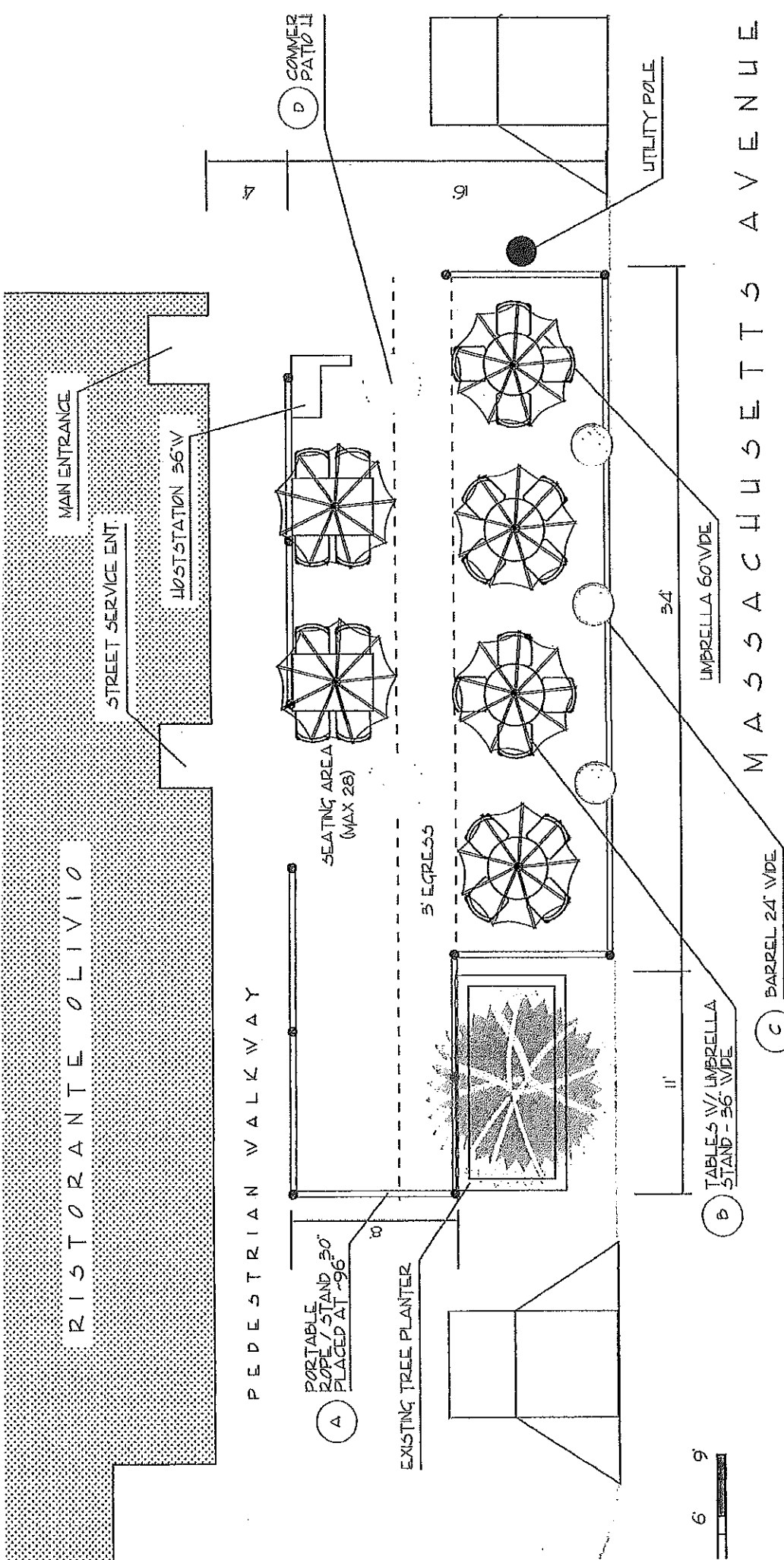
3-1-16
Date

RISTORANTE OLIVIO - SIDEWALK CAFÉ PROPOSAL, 8.13.2015



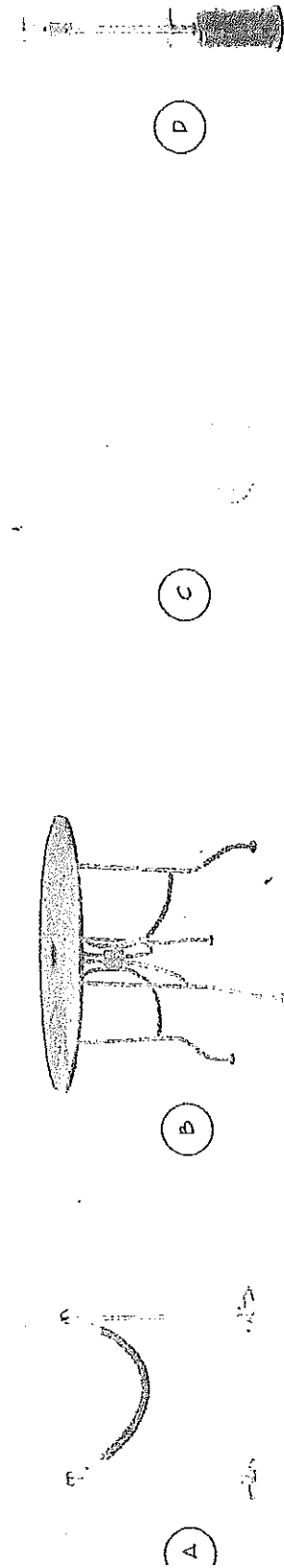
PLANNING DEPARTMENT RECOMMENDATIONS, 8.13.2015





OLIVIO EXTERIOR PATIO SITE PLAN

FEET



ACCESSORIES

[illegible]



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/2/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Quinn Group Insurance Agency, Inc. 223 Massachusetts Ave. Arlington MA 02474	CONTACT NAME: Johanna Callen PHONE (A/C, No, Ext): (781) 483-3248 FAX (A/C, No): (781) 641-3223 E-MAIL ADDRESS: Johanna@QuinnGroupIns.com INSURER(S) AFFORDING COVERAGE INSURER A: Selective of South Carolina NAIC # 19259 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
INSURED BERNARDOS RESTAURANT LLC DBA RISTORANTE OLIVIO 201 MASSACHUSETTS AVE ARLINGTON MA 02474-8627	

COVERAGES CERTIFICATE NUMBER: CL163206128 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		S 2041535	10/2/2015	10/2/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 UCC \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder is listed as Additional Insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk cafe.

CERTIFICATE HOLDER

CANCELLATION

Town of Arlington
Office of the Board of Selectman
730 Massachusetts Avenue
Arlington, MA 02476

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Johanna Callen

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**BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is due at the Office of the Board of Selectmen by, **Thursday, March 31, 2016**
ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 315 Broadway
Applicant's Name: Tanya Abraham
D/B/A: The Madrona Tree
Telephone: 781 859-5551(cell)
Department: Sent Interoffice Mail & E-mail Date: 6/18/15

MEETING DATE: APRIL 4, 2016

RE: SIDEWALK CAFE PERMIT

Board of Health
Building
Planning
ADA Compliance

Comments by each Division or Department:

Applicant Section:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Name: _____

Date: _____



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

To: Board of Selectmen
From: Natasha Waden, Health Compliance Officer
Date: March 31, 2016
RE: Café Outdoor Seating Permit Renewals

Please accept the following as comments from the Office of the Board of Health regarding Permit Renewals for Café Outdoor Seating at Barismo, Common Ground, Ristorante Olivio, and The Madrona Tree:

- The Establishment must prohibit smoking in the outdoor seating area by conspicuously posting a notice or sign which states "No Smoking" or the by using a sign with the international "No Smoking" symbol in the outdoor area.
- The owner or designated Person in Charge is responsible for maintaining the outdoor seating area Smoke Free.
- Any person in charge of a public place or workplace who fails to comply with the regulations is subject to a fine of two hundred dollars (\$200.00) for each day of the violation.
- The Establishment is responsible for maintaining the outdoor seating in a clean and sanitary manner, free from garbage and trash or other refuse that would constitute a public health nuisance.

**BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is due at the Office of the Board of Selectmen by, **Thursday, March 31, 2016**
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Location: 315 Broadway
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Department: Sent Interoffice Mail & E-mail Date: 6/18/15

MEETING DATE: APRIL 4, 2016

RE: SIDEWALK CAFE PERMIT

Board of Health
☒ Building
Planning
ADA Compliance

Comments by each Division or Department:

Inspectional Services has no objections to this or any other outdoor furniture permit the BoS wishes to grant. The applicant will need to present plans to this department for building code review prior to furniture being approved or placed. At that time, we can over particulars such as aisle width, distance between chairs/tables and how the new occupant load may affect the establishments bathroom requirements, among other possible issues.

Applicant Section:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Name: _____

Date: _____



TOWN OF ARLINGTON
MASSACHUSETTS 02476
781 - 316 - 3090
DEPARTMENT OF PLANNING &
COMMUNITY DEVELOPMENT

To: Arlington Board of Selectmen, c/o Mary Ann Sullivan
From: Ted Fields, Dept. of Planning & Community
Development Date: March 29th, 2016
Re: Sidewalk Cafe License Renewals, 2016

Per your request on March 25th, 2016 (updated on March 28th), the Planning Department has reviewed annual renewal applications for the following Sidewalk Cafe licenses approved by the Arlington Board of Selectmen in 2015:

Madrona Tree - 315 Broadway

The existing approved outdoor seating areas of this restaurant consists of five small tables in Broadway Plaza arrayed around a 12-foot wide concrete planter, separated from the main establishment's facade by an acceptable eight (8) foot pedestrian travel corridor. The applicant demonstrates acceptable coverage in excess of \$1,000,000 in general liability insurance. This permit should be renewed for 2016.

COMMISSION ON DISABILITY, TOWN OF ARLINGTON

20 ACADEMY STREET, SUITE 203, ARLINGTON, MASSACHUSETTS 02476-6436 (781) 316-3431



MEMO TO: Board of Selectmen
Adam Chadelaine, Town Manager

FROM: Jack Jones, Director of Housing & Disability Programs

DATE: March 31, 2016

RE: Outside Furniture Permit

JJ

It appears from the attached diagram and a completed survey of the sidewalk in front of **The Madrona Tree, 315 Broadway**, that all conditions pertaining to accessibility of sidewalk dining will be in compliance with federal and state regulations.

In order to be in compliance with regards to sidewalk dining the absolute minimum clear path of travel along the sidewalk must be at least 36" according to the Massachusetts Architectural Access Board and the Americans with Disabilities Act Architectural Guidelines. The Arlington Commission on Disability however requests the consideration of the Board of Selectmen to require a minimum of 48" of clear unobstructed sidewalk between the exterior wall of the restaurant and the nearest obstruction to the path of travel. Possible obstructions that could affect compliance that will need to be watched are tables, chairs, other furniture, trees, trash receptacles, fire hydrants, planters, sandwich boards, etc. In addition a portion (5%), but not less than one, of available seating must be wheelchair accessible, with an accessible route of at least 36" between tables. The Disability Commission strongly recommends to the Board of Selectmen that a compliance monitoring process be developed in addition to employee training for all restaurant employees to ensure that accessibility is maintained after the permitting process.

Sidewalk Café Permit Application - Town of Arlington, MA

This is an application to the Board of Selectmen of the Town of Arlington Massachusetts, for a permit to place and maintain a Sidewalk Café (an outside seating area for licensed restaurants) on the public right of way in Arlington, Massachusetts described below:

(PLEASE TYPE OR PRINT)

Business Name:

THE MADRENA TREE

Length of Storefront (ft):

13 FT

Business Address/Location:

315 BROADWAY

Width of Sidewalk along Storefront (ft); *1:

8 FT

Phone Number/Email:

781-859-5557

Length of Proposed Sidewalk Café (ft):

X 15 FT APPX

Business Representative's Name:

Tanya Abraham

Width of Proposed Sidewalk Café (ft); *2:

APPROX. 18 FT

Name & Address of Building Owner:

TRITON REALTY P.O. BOX 170040 BOSTON MA 02117

12 FT WIDE PLANKS

*1: Measure from front Building Wall to inside of sidewalk granite curb edge.

*2: Measure from front Building Wall to outside of Sidewalk Café surrounding border fencing/barrier.

Application Submittal Requirements:

- 1.) Fee: An annual permit fee of **\$50.00** payable to the Town of Arlington filed with the Selectmen's Office. The Board may prorate its fee for applicants in their initial term to reflect the number of months the permit sought will be held.
- 2.) Site Plan: Furnish a **Site Plan** (scale diagram) showing the location of tables, chairs, umbrellas, trash receptacles, heaters, barricades, as well as a **picture or photograph of the proposed furniture** in compliance with the following requirements:
 - No person or entity shall cause to be placed within the public ways any furniture without applying for a permit and receiving approval from the Board of Selectmen of the Town. This permit shall be considered separate and distinct from others issued by the Town, including those for common victuallers.
 - Ordinarily, the location of the sidewalk café must be directly in front of the business operating the café, and may not extend beyond the side property lines. It shall be sited as close to the building façade as practicable and in no event to exceed twelve (12) feet from the food service door of the establishment.
 - Under limited circumstances, sidewalk café areas may be approved adjacent to a storefront, grouped at a distance from the storefronts, or allowed in both positions if a scaled plan showing dimensions clearly establishes:

- a) The requested location(s) create the least obstruction for pedestrian access to storefronts, crosswalks and pedestrian circulation, and/or
 - b) the location does not extend substantially beyond the side edges of the business (allowing for up to 10 feet of latitude where landscaping, public facilities, utility poles or adjacent seating areas obstruct the front of the business premises), and/or
 - c) no more than 256 square feet of the public way would be cordoned off for establishments serving liquor unless the Board determines from the scaled site plan (with dimensions shown) and photos that additional square footage for outdoor seating would not leave less than 36" to the nearest barrier, would not impede circulation, and would not preclude other allowed desirable uses for the public space, and
 - d) in every case, the additional seating does not violate zoning, building, or other code as determined by the Director of Inspectional Services.
- Further, Tables, chairs, benches, food equipment shall be located so that they do not impede, endanger or interfere with pedestrian traffic, with a minimum width of three (3) feet and a recommended width of four (4) feet of unobstructed passage for pedestrian traffic.
 - In addition, no sidewalk café furniture shall be affixed, erected, installed, placed, used or maintained **within five (5) feet** of any marked or unmarked crosswalk or handicapped ramp; or within five (5) feet of any fire hydrant, fire lane, call box, or bus stop.
 - Unlicensed furniture within the public ways of the Town will be subject to removal with the cost thereof to be borne entirely by the owner. In addition, fines may be imposed by the Board of Selectmen not to exceed \$100 for removal, storage or destruction.
 - No fixtures or devices on which food or beverages are sold or consumed shall be attached to the sidewalk or other public area. The property owner is responsible for the restoration of the sidewalk or public-right-of-way if any damage is caused by the sidewalk café. Physical barriers bordering/framing a sidewalk café may not exceed four (4) feet in height.
 - Lighting for sidewalk cafes is subject to approval during the permitting process. Tabletop lighting may include candles and battery-operated fixtures.
 - Well-designed physical barricades surrounding/framing sidewalk cafés are **strongly encouraged**.

3.) **Insurance:** The applicant restaurant-owner shall furnish a **certificate of insurance** providing commercial insurance coverage for bodily injury, death, disability, and property damage liability in the following amounts:

- **At least \$1,000,000 per occurrence and \$3,000,000 annual aggregate for any restaurant serving alcohol as part of its use of sidewalk café space; or**

- At least \$300,000 per occurrence and \$900,000 annual aggregate for restaurants which are either not licensed to serve alcohol or restaurants which attest that they will not serve alcohol as part of their use of sidewalk café space.

The Town of Arlington shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In the event the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked. The permit holder shall immediately inform the Selectmen's Office if insurance under this provision is revoked and shall not operate the sidewalk café until insurance is restated in accordance with this requirement. An insurance certificate naming the Town as an additional insured must be provided to the Office of the Board of Selectmen before any Sidewalk Café/Outdoor Seating Area will be issued.

4.) Indemnification and Acknowledgement of Rights: The applicant restaurant-owner shall also furnish a signed agreement to indemnify the Town of Arlington for its use of public property as a sidewalk café/outdoor seating from any and all claims that may be brought against the Town in connection with such use. Such a signed agreement shall also acknowledge the Town's rights with respect to its property and the limitations of the permit (attached hereto).

5.) Compliance Requirements: By signing this application, the Applicant agrees to accept and comply with the following requirements:

- All services provided to sidewalk café customer and customer activity must occur within the designated sidewalk café area.
- Permit holder is responsible for proper supervision of the sidewalk café in order to ensure the requirements of this section are met.
- Permit holders must ensure that the requirements for operation are met. These include:
 - Patrons must wear shoes and shirts at all times.
 - All sidewalk cafes must maintain at least one opening for ingress and egress at all times. All sidewalk cafes shall abide by all requirements of the currently adopted International Building Code and the American's with Disabilities Act.
 - To the extent applicable, sidewalk cafes must adhere to all regulations pertaining to food and beverage enforced by the Board of Health and Board of Selectmen.
 - All areas within and surrounding a sidewalk café must be maintained in a clean, neat, and sanitary condition.
 - All permit holders shall be required to abide by all federal, state, and local laws.
 - Outdoor alcohol service (and food service when alcohol is served outdoors) shall conclude at or before 10:00 p.m. Sunday through Thursday, and at or before 11:00 p.m. Friday and Saturday.

6.) Other Regulations: By receiving a sidewalk café/outdoor seating permit, restaurants are not exempted from other federal, state, and local laws and regulations. Among other regulations, permit holders must comply with local zoning and state building code requirements and Board of Selectmen alcohol service regulations. Applicants are strongly advised to ensure their plans comply with zoning and state building requirements by contacting Inspectional Services.

7.) Revocation: The sidewalk café permit may be revoked for failure to maintain the standards required for the initial permit. A notice of intent to revoke a sidewalk café permit shall be given in writing 10-days prior to actual revocation and shall specify the area or areas of failure to meet requirements and maintain conditions the Town may have imposed. If, during that period, proof of compliance is made to the satisfaction of designated Town Inspectors by the holder of the permit, the permit shall be continued in force.

- Applicant certifies that all current property taxes due on its licensed premises are paid if property is owned by the Applicant.
- Applicant agrees to permit the Town to periodically verify the accuracy of information contained in this Application and agrees to provide information requested to verify the accuracy of the information and the Certifications contained in this Application.

8.) Term & Non-Transferability: Each Sidewalk Café Permit is valid for one calendar year from the January 1st through December 31st and is non-transferable.

I have read and fully understand the above rules and regulations applying to the approval of this permit.

Dated 3/12, 2016

By: _____

(Signature)

(Print Name & Address) Tanya Abraham 315 BROADWAY ARLINGTON MA
02474

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON

SIDEWALK CAFÉ INDEMNIFICATION AGREEMENT & ACKNOWLEDGEMENT

On behalf of the business applying for a Sidewalk Café (Outdoor Seating) license from the Town of Arlington Board of Selectmen, I, as a duly authorized agent of Madama Tree, a licensed restaurant operating within the Town of Arlington, acknowledge that I seek permission to use a portion of the public sidewalk in front of (or where permitted, adjacent to) the business premises to operate a sidewalk café/outdoor seating area. I understand that a Sidewalk Café permit does not give my business any right, title, or interest in any part of the sidewalk space approved for use.

Furthermore, I, as a duly authorized agent of Madama Tree, agree to hold harmless the Town of Arlington, its officers and employees, for any loss or damage arising from the use of the public sidewalk or the discontinuance of use resulting from an order, demand, or notice of any governmental agency with jurisdiction.

I understand that Board of Selectmen and/or any government agency with jurisdiction may revoke my permit to use public sidewalk space at any time for any reason whatsoever. The permit can be revoked for failure to comply with any terms and conditions of the permit or any agreements between my business and the Town of Arlington or for violation of any of the rules and regulations enforced by Board of Selectmen, the Department of Inspectional Services, the Police Department, or the Board of Health. I understand there will be no refund of any fees or compensation paid to the Town of Arlington.

I further agree to promptly remove any property placed on the sidewalk space or reimburse the Town of Arlington for the cost of moving my business' property upon receipt of any written notice, demand, or order to vacate the sidewalk space from a governmental agency with jurisdiction.

I certify that I have read and agree with the terms and conditions outlined both here and within the Sidewalk Café Permit Application.

Signature

Date

3/13/16



COMMON GROUND
315 Broadway

THE MADRONA TREE
315 Broadway

OPTIQUE BOUTIQUE
316 Broadway

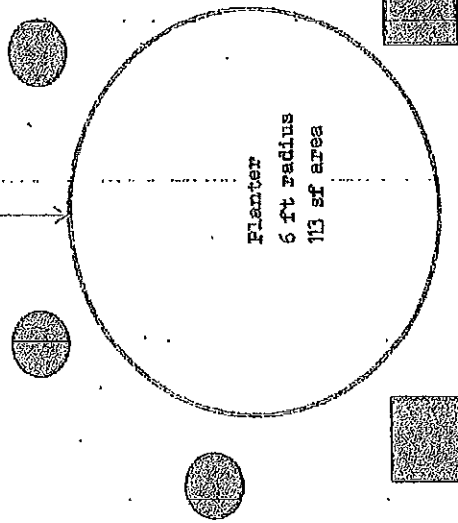
THE ARTFUL ART
315 Broadway

8 ft (sidewalk travel width)

12 ft (to edge of planter)

13 ft (storefront width)

Proposed Outdoor Dining Area
250 sf net total
REVISED 4.7.15



Parking Area

DRAFT

BROADWAY PLAZA

Revised Draft 4.6.2015

ACORD_{TM}

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/23/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER HUB Int'l New England (ABIA) 299 Ballardvale Street Wilmington, MA 01887 978 657-5100	CONTACT NAME: Alice Croke	
	PHONE (A/C, No, Ext): 978 657-5100	FAX (A/C, No): 978-988-0038
INSURED Madrona Tree, Inc 315 Broadway Arlington, MA 02474	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Preferred Mutual Insurance Comp	
	INSURER B: Mass Retail Merchants WC	
	INSURER C:	
	INSURER D:	
	INSURER E:	
INSURER F:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		BOP0100719388	07/02/2015	07/02/2016	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input checked="" type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	TO FOLLOW	FROM	CARRIER	WC STATUTORY LIMITS E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Contents		BOP0100719388	07/02/2015	07/02/2016	\$29,800 w/replacement

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

CANCELLATION

Town of Arlington Massachusetts Avenue Arlington, MA 02474	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>John Zawalinski</i>



Town of Arlington, Massachusetts

Request: Handicap Parking Sign @ 9-11 Oxford Street

Summary:

John A. Caruso

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Oxford_Street_Handicap_Request.pdf	Inspections Summary Report, Police memo, Fire memo, Caruso request

INSPECTIONS SUMMARY REPORT

Type of Request: Residential Handicap Parking Sign Application

Name of Applicant: **John A. Caruso**

Address: **9-11 Oxford Street**

The following Departments have **no objections** to the issuance of said license:

- Police **X**
- Fire **X**

The following Departments have **objections** to the issuance of said license:
(see attached)

- Police
- Fire

ARLINGTON POLICE DEPARTMENT

CHIEF OF POLICE
Frederick Ryan



Town of Arlington
MASSACHUSETTS 02474

POLICE HEADQUARTERS
112 Mystic Street
Telephone 781-316-3900
Facsimile 781-316-3919

MEMORANDUM

TO: Marie Krepelka
Board Administrator

FROM: Officer Corey P. Rateau
Traffic and Parking Unit

DATE: March 29, 2016

RE: Handicap Parking Request -9-11 Oxford Street

At your request, I looked into Mr. Caruso's request to have a handicap parking space designated in front of the above location to give the two residents, his mother (101 years old) and sister (80 years old), easier access to and from the residence when they are picked up. Upon reviewing the petition, (which included HP placards for both parties), the property, and the area parking conditions, the Traffic and Parking Unit has no objection to this petition.

Please notify the petitioner that if approved this space is not exclusively theirs and would be available for use by anyone displaying a handicap placard. They should also be notified that a handicap placard does not automatically exempt them from the town's overnight parking ban.

Cc: Frederick Ryan
Police Chief

Capt. Julie Flaherty
Support Services Commander

Lt. Paul Conroy
OIC / Traffic, Details, and Licensing

AFD Operations

Adam Chapdelaine
Town Manager

"Proactive and Proud"

From: "John Kelly (Fire Dept)" <JKelly@town.arlington.ma.us>
To: "Fran Reidy" <FReidy@town.arlington.ma.us>
Date: 03/29/2016 12:22 PM
Subject: Re: Handicap Parking Request for 9-11 Oxford St.

The Arlington Fire Dept. has no objections to this request.

Thank You

Deputy Chief John R Kelly
Arlington Fire Dept.
Operations Division
781-316-3803

TOWN OF ARLINGTON
Residential Handicap Parking Sign Application

Name: Mrs. JEAN CARUSO

Address: 9-11 Oxford Street

Telephone: Home: 781-648-2184 Work: N/A

Date: 3/27/2016

Please read the Board of Selectmen Residential Handicap Parking Sign Policy prior to completing this application. If you have any questions regarding the application process, please contact the Office of the Board of Selectmen.

1. Please attach a photocopy of your handicap placard, or documentation that you have a handicap plate. It is not necessary to attach any additional documentation.
2. Are you the owner of your residence? Owner
3. Do you have off-street parking? Yes
4. If yes, how many off-street spaces? 2

On the reverse side of this page, please provide the general reasons why the granting of such a space will increase your ability to access/egress your home. When providing your reasoning, you should address those questions listed in the Off-Street Parking section of the Board's policy, found on page two, that are relevant to your application.

When you have completed this application, and attached a photocopy of your placard, or documentation of your plate, please forward your application to the Office of the Board of Selectmen. Within two weeks you will be contacted regarding your application.

Contact: JOHN A. CARUSO
Phone # 781-862-1794
Cell # 617-448-9703

Both residents living at 9-11 Oxford Street are handicapped. My mother (101 yrs) and my sister (80 yrs) is recovering from a broken hip operation.

It is very difficult to pick them up for doctor appointments, shopping, etc. because of the parking in front of their home.

Although they have a driveway, it is nearly impossible to make a swing into it because of the parked cars in front of the house.

If cars were not parked so close to the driveway entrance, the swing into and out of it could be accomplished.

Therefore, we are requesting a "handicapped" or "no-parking" section so we could in or out UNIMPEDED.

P87128316

Expires:

06-10-18

**Disabled Persons
Parking Identification Placard**



Rachel Kaprielian
Registrar



CARUSO
JEAN

**Commonwealth of
Massachusetts**



P95744107

Expires:

01-07-16

**Disabled Persons
Parking Identification Placard**



Chae A. Dwyer
Registrar



MACEACHERN
JOAN
D

**Commonwealth of
Massachusetts**





Town of Arlington, Massachusetts

For Approval: Sidewalk Sale to Benefit 'Earth Citizen Organization' @ Body n Brain Yoga, 325 Broadway, April 16, 10:00 a.m. - 4:00 p.m.

Summary:

Mary Jo Sargent, Body n Brain Yoga

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	letter_of_request.docx	Request Letter from Brain n Body Yoga
▢ Reference Material	Picture_#1.jpg	Picture #1
▢ Reference Material	Picture_#2.jpg	Picture #2
▢ Reference Material	Picture_#3.jpg	Picture #3

To Arlington Board of Selectman,

I am writing to request permission to hold a Sidewalk Sale in Front of the Arlington Body n Brain yoga studio at 325 Broadway Arlington.

We would like to hold the event on Saturday, April 16th from 10-4pm.

We would set up in front of the yoga studio, leaving adequate walkway space on both sides. We would use 8, 6ft. tables

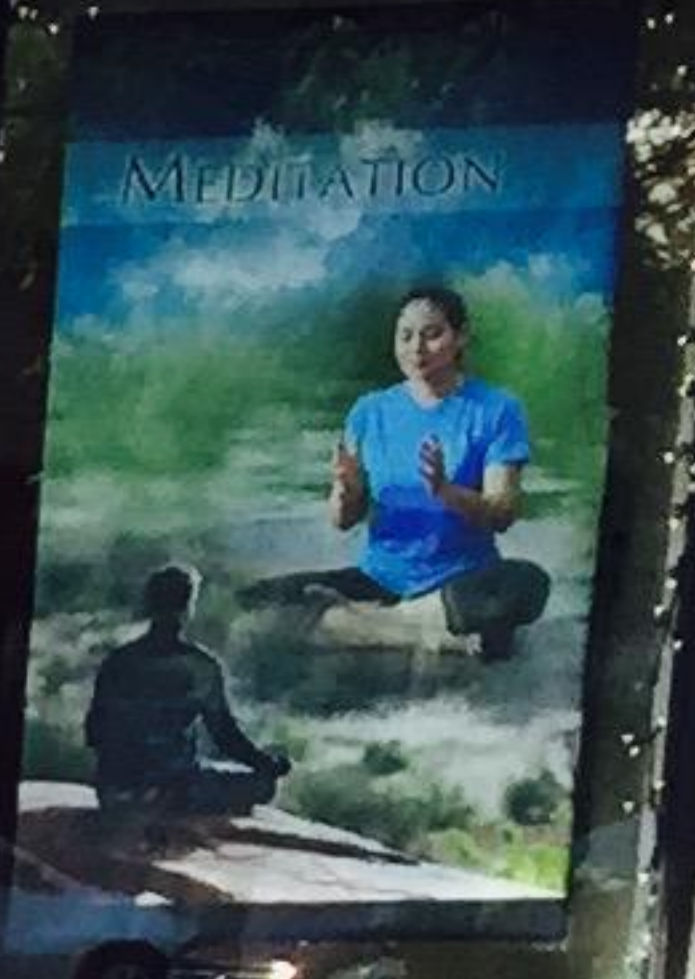
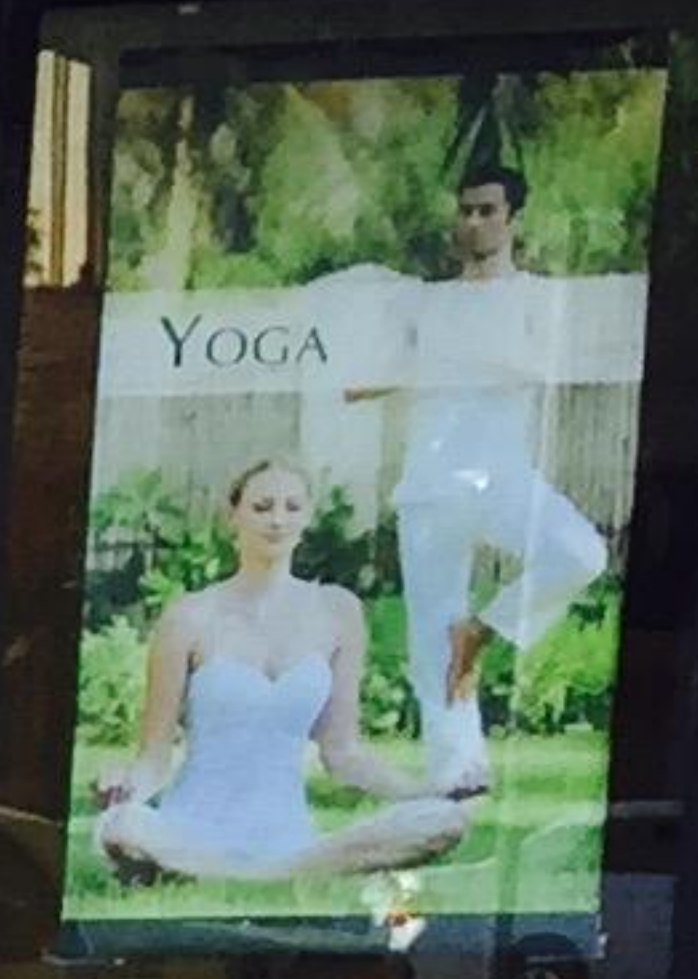
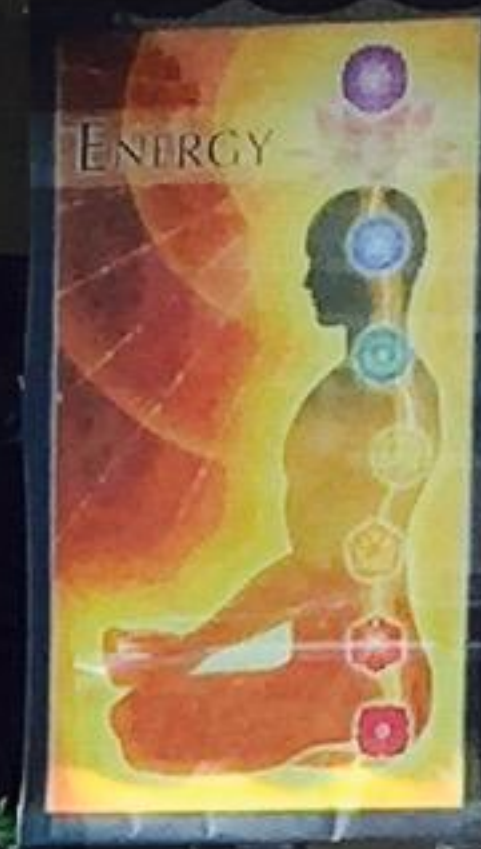
I have attached a diagram and pictures to show the exact location.

We held a similar event last year and would have the same set up.

The event is to benefit a nonprofit organization called ECO(Earth Citizen Organization) which believes in global responsibility.



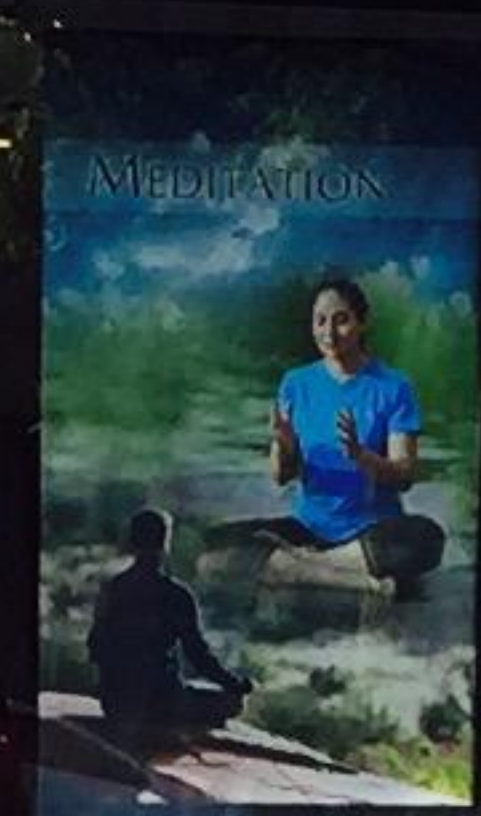
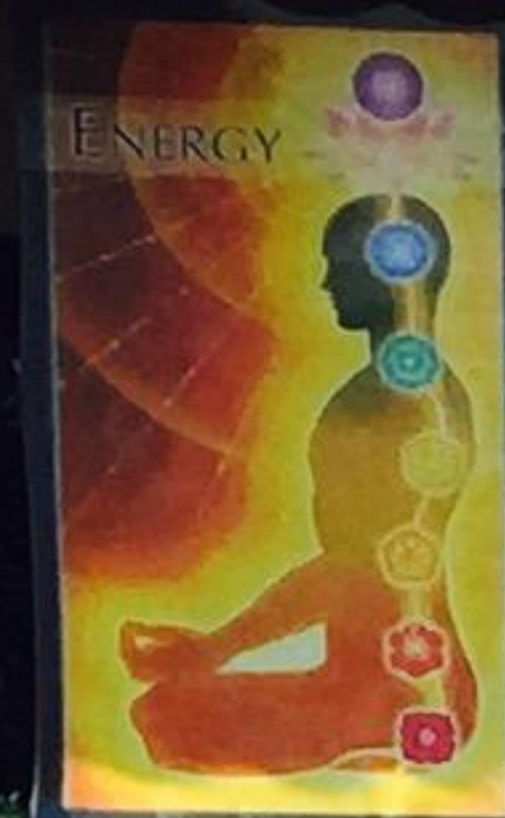
327



Monday, Monday
Chakra Massage
Only \$10
10am-12pm



YOGA & HEALING



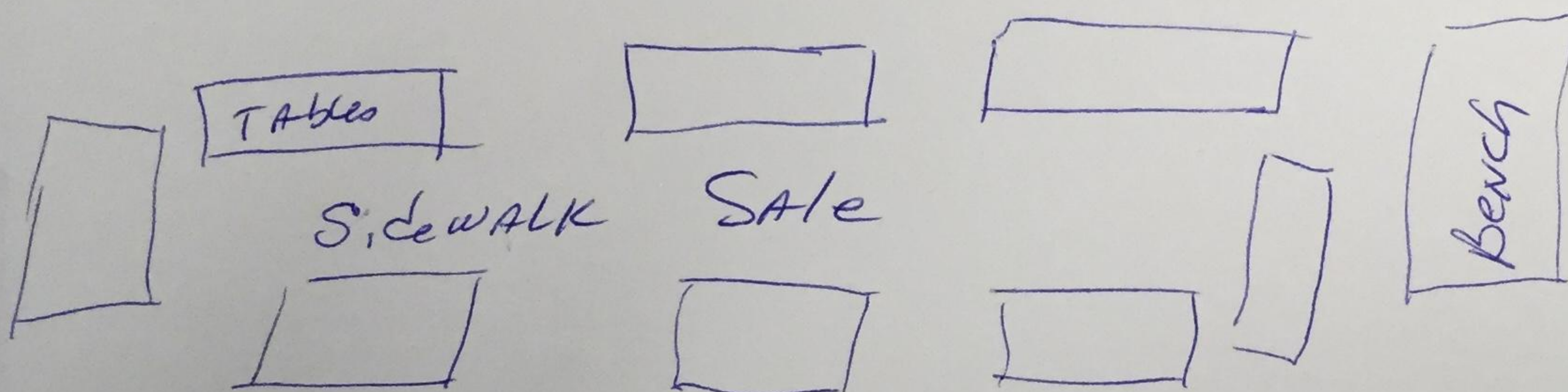
RETAIL SPACE AVAILABLE
617 330.8000
COLLIERS
COMMERCIAL REAL ESTATE
www.colliersretail.com

Monday, Monday
Shoulder Massage
\$10
10am-6pm



MASS Ave

WALK WAY



WALK WAY

Starbucks

Body N BRAIN
yoga

CUS



Town of Arlington, Massachusetts

Sign Request, Ravine Street

Summary:

Rebecca and Doug Perlo, 40 Irving Street

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	Perlo_letter.docx	Perlo Letter to Board of Selectmen
▣ Reference Material	Map.pdf	Perlo Map
▣ Reference Material	No_Parking_Driveway_Signs.pdf	Pictures: No Parking Here To Driveway Signs
▣ Reference Material	No_Parking_Corner_Signs.pdf	Pictures: No Parking Here to Corner Signs
▣ Reference Material	Minutes_3.18.1996.pdf	Board of Selectmen Minutes March 18, 1996
▣ Reference Material	Traffic_Rules_and_Orders__Parking.docx	Traffic Rules & Orders Section 1
▣ Reference Material	Engineering_e-mail_to_Mr._Perlo.pdf	W. Chouinard e-mail to D. Perlo, 11.19.15
▣ Reference Material	Corey_Rateau_e-mail.pdf	C. Rateau Comments 12.5.14
▣ Reference Material	Dan_Warren_e-mail.pdf	D. Warren Comments 12.3.14

Board of Selectmen

22 December 2015

Arlington, MA

Dear Selectmen,

In December 1995 we purchased the home at 40 Irving St, at the corner of Ravine St. Our driveway opens onto Ravine Street.

Due to two different schools sharing the Parmenter School building on Irving St, teaching staff and parents often park their cars on Ravine St. We quickly found ourselves having great difficulty entering, but especially exiting, our driveway due to cars parked too close to its borders.

We came to you, or at least the board as it appeared in early 1996, to request a sign that would regulate the space closest to the north side of our driveway. You agreed, and approved a sign.

The DPW put up a sign that read “No Parking Here to Corner” in the location marked on the accompanying map as point A.

We quickly found that the general public did not seem to understand that the sign prohibited parking next to our driveway, and found ourselves often having to call for enforcement of the no parking area, but with no longterm positive effects. Taking the advice of one of the officers who came to ticket an illegally parked car, we began painting the curb, in the no parking area, yellow. We have continued doing so seasonally to this day. We also purchased reflective sign tape, with writing indicating the word Driveway in the proper sign font, and an arrow pointing right (south , toward the driveway edge). Now the sign read “No Parking Here to Driveway.” And it worked. For about 18 years.

In the fall of 2014, the sign was, inexplicably, removed. DPW had no explanation. Initially denying that a sign ever existed in that location, DPW were provided photos of the sign in place. DPW continued to refuse to replace the sign. Ms Reidy helped us find the minutes from our appearance before the board in 1996, and DPW agreed to replace the sign.

The sign placed (initially in the wrong spot, then rectified) by DPW states “No Parking Here to Corner” with no arrow. The teachers, parents and visitors have once again been parking in the space between the sign and our driveway edge. And they have chosen to interpret the sign as preventing parking between it and Irving St, thus trading three legal spots for one improper one.

To restore the situation to normal, we again purchased reflective stickers with the word Driveway and an arrow pointing to the right (south) and placed them on the sign. This, as we had learned so many years before, ended the problem.

The DPW does not want us to have a sign that actually gives parkers proper information. They have continually removed the stickers from the sign, leaving the sign insufficient to accurately notify parkers where they are and are not expected to leave their cars. Mr. Chouinard advises that his sign shop cannot make a sign without specific approval of its exact wording by the board of Selectmen. While we find it hard to believe that intelligent people cannot use their judgment to make a sign that is proven to work, we request that the board of Selectmen order a sign be placed in location A, which states “No Parking Here to Driveway,” with an arrow facing right (south). We suggest that such a sign will remove all doubt as to the allowed and prohibited parking spaces, and will restore the status quo for the last 19 years.

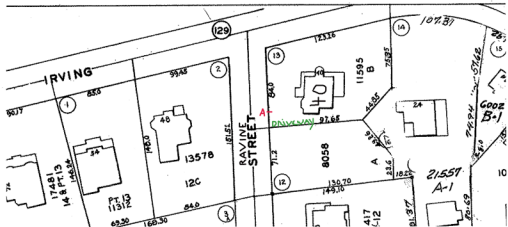
Thank you for your time and attention

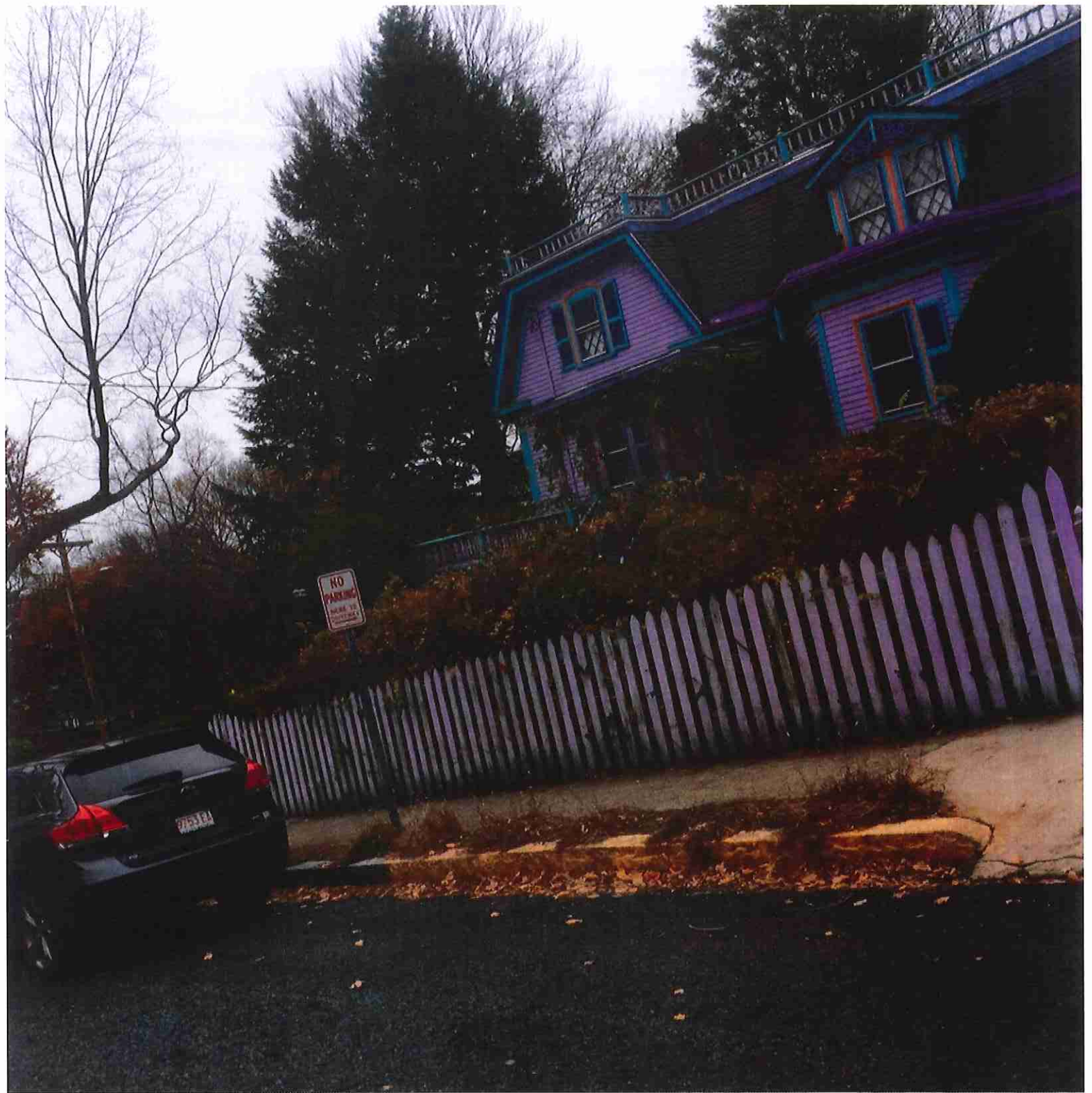
Rebecca and Doug Perlo

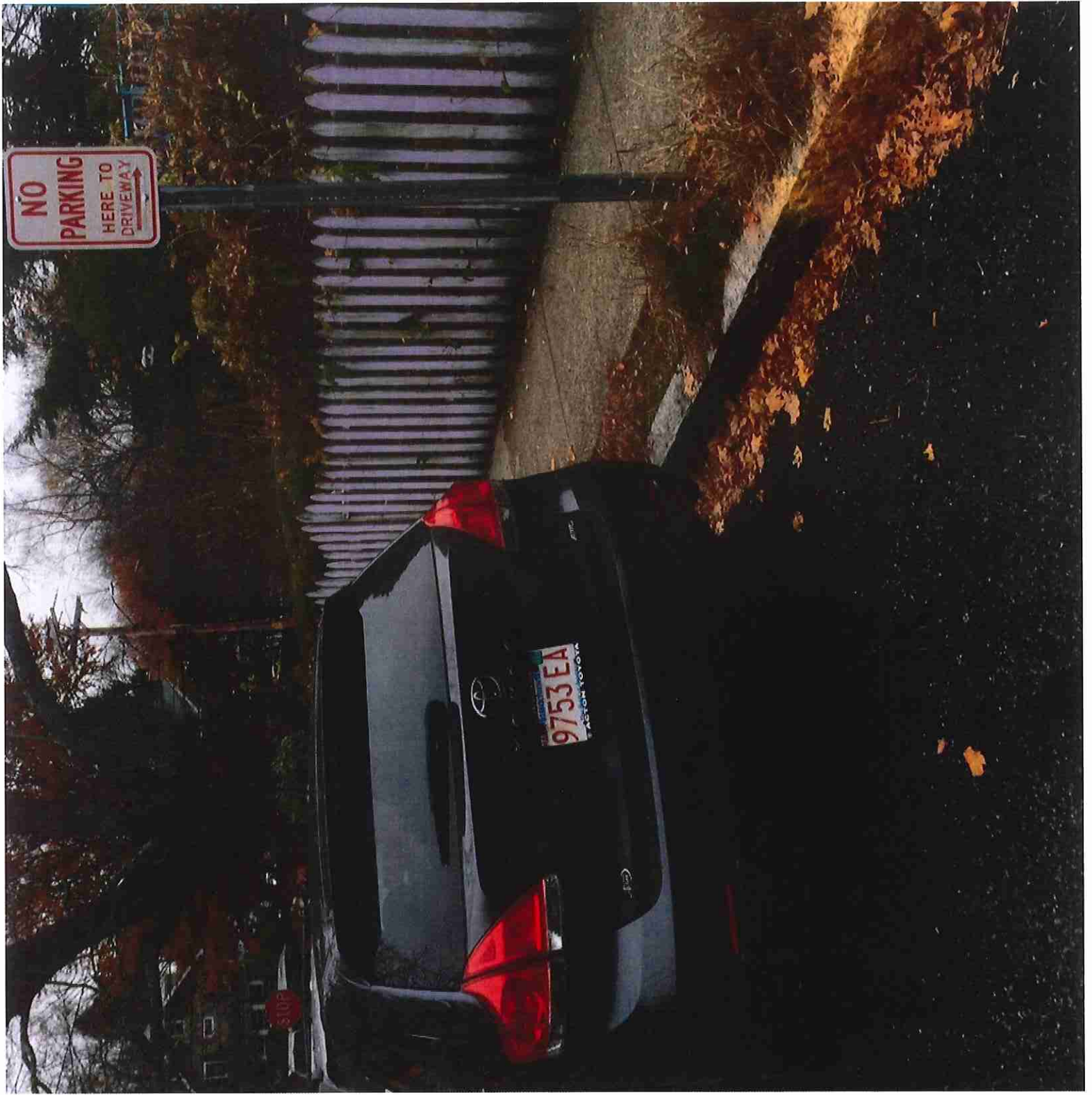
40 Irving St

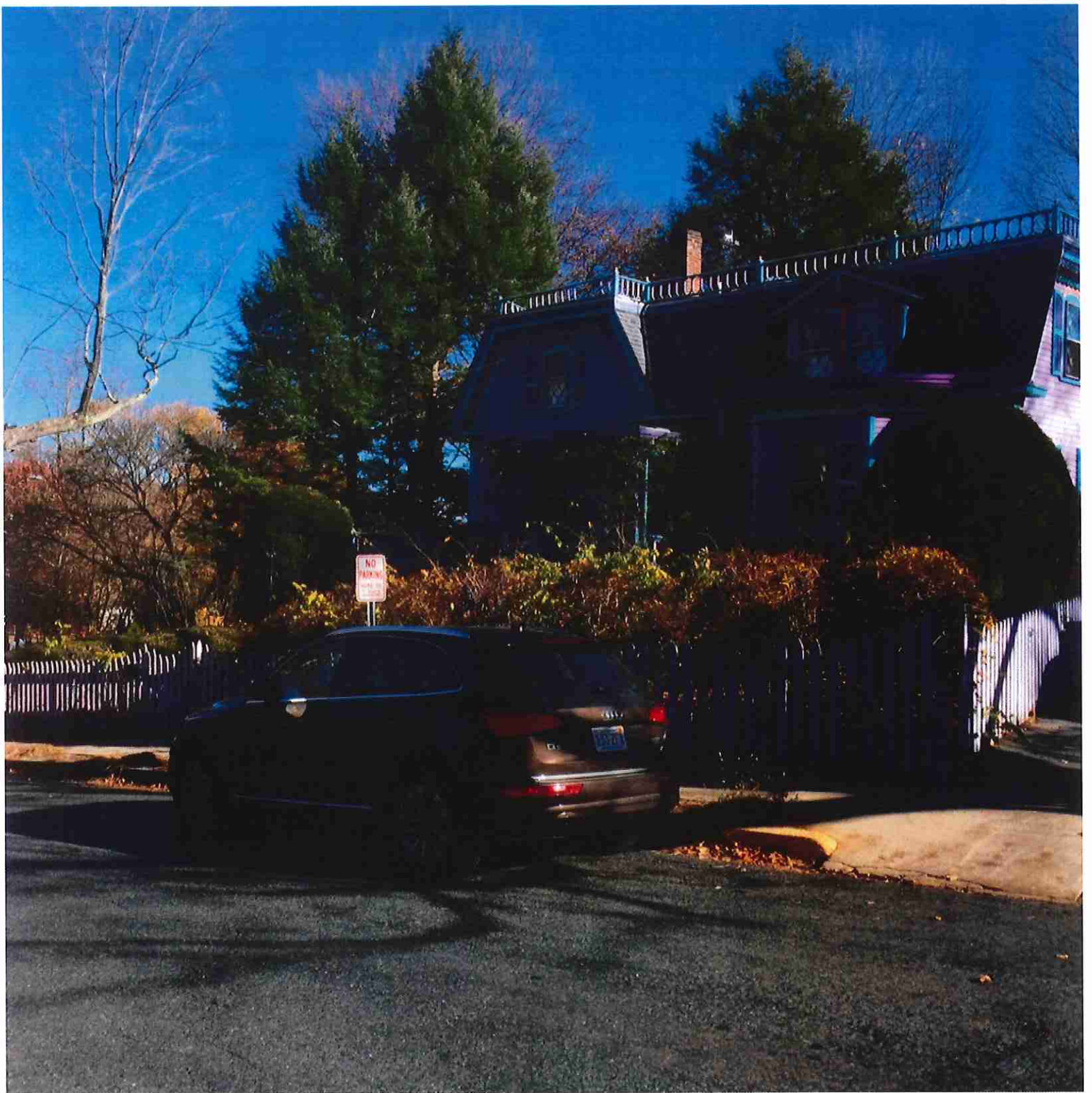
doug@perlo.net

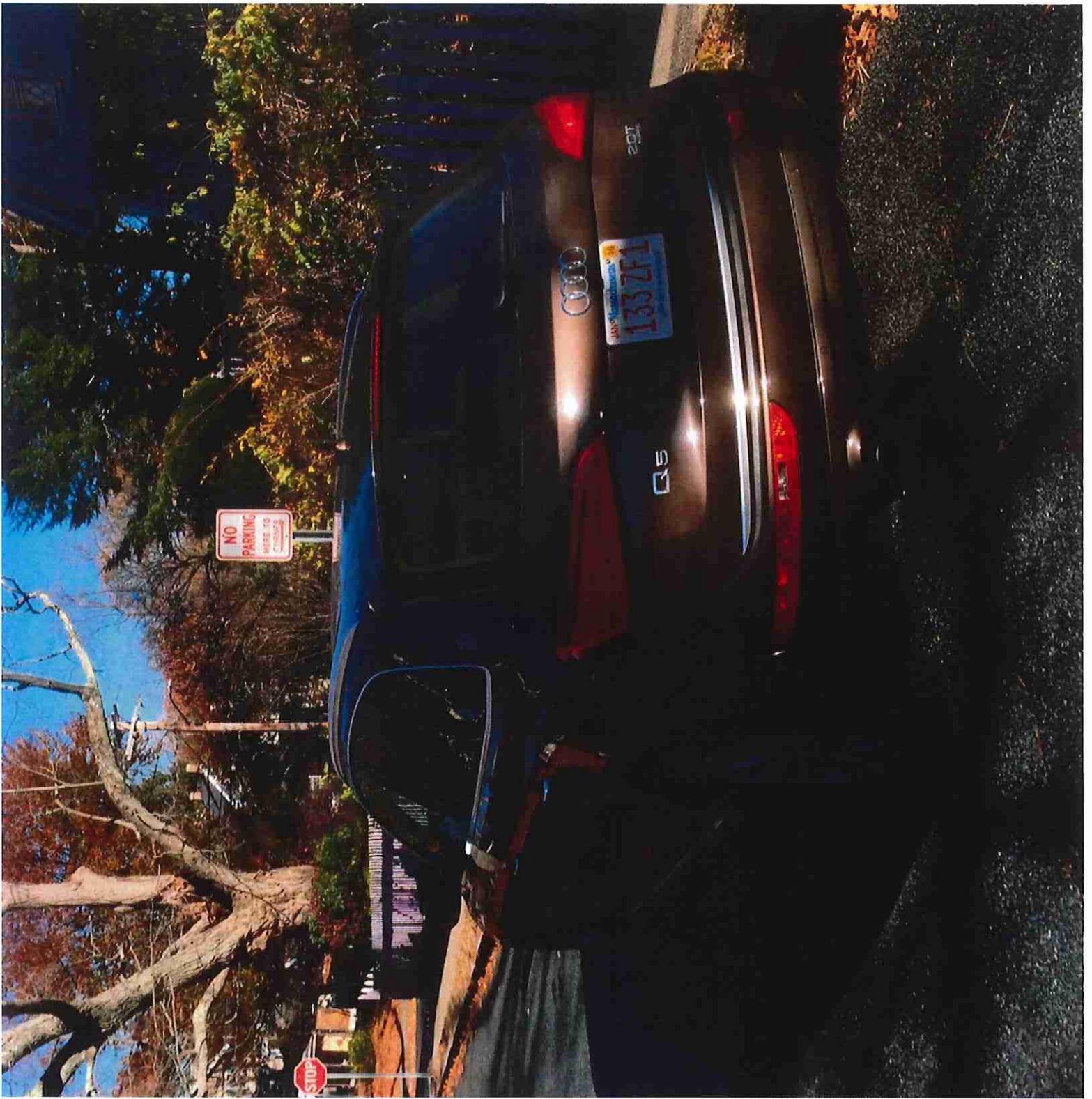
617 835 7584











TOWN OF ARLINGTON
BOARD OF SELECTMEN

Meeting Agenda
Monday, March 18, 1996
7:15 p.m.

Article 23 - Bylaw Amendment/Human Rights Commission

Chairman moved no action.

SO VOTED

Article 38 - Authorization to Enter Agreement/North East Solid Waste Committee

Chairman moved to table.

SO VOTED

Article 44 - Recoup Consultant Fees/Conservation Commission

Moved to table.

SO VOTED

Article 49 - Revolving Fund/Fox Library

Moved to approve.

SO VOTED

Article 50 - Revolving Fund/Private Way Repair

Moved to approve.

SO VOTED

Article 51 - Revolving Fund/Public Way Repair

Moved to approve.

SO VOTED

Article 53 - Education Reform

Article 54 - Special Education

Article 57 - Pension Adjustment for Retirees

Chairman moved to table above three articles.

SO VOTED

WARRANT ARTICLE FINAL VOTES AND COMMENTS

Article 15 - Contract Language/Female Percent of Work Force

Article 16 - Contract Language/Equal Opportunity

Article 24 - Bylaw Recodification Committee

Moved to approve above three articles.

SO VOTED

CITIZENS OPEN FORUM

A Mr. Paul Harrington expressed that he would like resolution over the ownership responsibility of a phone box on Washington Street. The Manager had conversations with Boston Edison about said matter. Mr. Harrington was referred to the Town Counsel for meeting.

A Ms. Boren of Irving Street came forth with photographs of her street to show evidence of a dangerous situation. Ms. Boren's request to have a no parking sign at the end of her street was declined by the Chief of Police. Ms. Boren indicated that she had another conversation with the Director of Police services later in which he indicated he would reverse his decision to deny the sign. The Manager indicated that he had experienced difficulty when driving in this area previously. The Chairman moved to amend the traffic rules by placing a no parking sign on the right side Ravine Street to the corner of Irving Street. Voted unanimously.

Section 1.

GENERAL PROHIBITIONS: No person shall stand or park or allow, permit, or suffer any vehicle registered in his name to stand or park in any of the following places:

- (a) Within an intersection, except in those areas where the erection or installation of parking meters has been approved by the Department of Public Works of the Commonwealth of Massachusetts.
- (b) Upon any sidewalk.
- (c) Upon any crosswalk.
- (d) Upon a roadway where parking is permitted unless both wheels on the right side of the vehicle (or both wheels on the curb side of the vehicle on a one-way street and headed in the direction of travel) are within twelve (12) inches of the curb or edge of the roadway. This shall not apply to such locations where angle parking is permitted by these Rules and Orders.
- (e) Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic.
- (f) Upon any street or highway within ten (10) feet of a fire hydrant.
- (g) In front of any private road or driveway or within three (3) feet on either side thereof, moreover on the opposite side of any driveway in such a manner as to inhibit the entry or departure from same.
- (h) On a bridge or viaduct, provided signs are erected acquainting the operator of such regulation or restriction.
- (i) On the roadway side of any vehicle stopped or parked at the edge of curb of a street (double parking).
- (j) Within fifteen (15) feet of the way or driveway of a fire station or directly across the street from such fire station provided signs are erected acquainting the operator of such regulation or restriction.
- (k) Alongside or opposite any street excavation or obstruction, when such stopping, standing or parking would obstruct traffic.
- (l) At a bus stop, designated by a pole as a stopping place for busses within ten (10) feet measured along the outside edge of the sidewalk; or at a bus stop within the limits of official signs designating the limit of the bus stop at the curb or at the edge of the sidewalk.

- (m) Upon any roadway in such a manner as to obstruct the movement of any buses.
- (n) Adjacent to the center division strip or island placed upon and being part of any public way.
- (o) Upon any street or highway within twenty (20) feet of any intersecting way, except alleys.
- (p) Within a crossover.
- (q) Within fifty (50) feet of a traffic signal device provided signs are erected to notify of such regulation or restriction.
- (r) On any way in such a manner so as to interfere with the removal or plowing of snow, or removal of ice.

From: "Wayne Chouinard" <WChouinard@town.arlington.ma.us>
To: "Douglas Perlo" <doug@perlo.net>
Cc: "Corey Rateau" <CRateau@town.arlington.ma.us>, "Dan Warren" <dwarren@town.arlington.ma.us>, "Fran Reidy" <FREidy@town.arlington.ma.us>
Date: 11/19/2015 07:04 PM
Subject: Re: 40 Irving St No Parking Signs

Doug,

I am not sure the intent of the Selectmen's letter ever meant to include the word "driveway". From what I have been able to understand from our discussion is that the "driveway" lettering and the arrow pointing to your driveway were added by you.

I do not believe this sign ever had any validity. The sign approved by the Selectmen was/is an approved sign under MUTCD; Manual on Uniform Traffic Control Devices and the location is set based on local traffic & parking ordinances which is why it was never near your driveway.

The sign is not required in order to enforce parking within 20 feet of the Ravine/Irving intersection, but was allowed to be installed by the Selectmen at your request to reinforce the requirement due to the heavy parking usage observed at the time. If you would like to request anything different than what was specifically stated in the approval letter you will need to request this from the Selectmen. I would suggest a sketch with location/dimensions as well as the specific wording. Otherwise the sign shop cannot install it.

Wayne

From: "Corey Rateau" <CRateau@town.arlington.ma.us>
To: "Dan Warren" <DWarren@town.arlington.ma.us>, "MaryAnn Sullivan" <MSullivan@town.arlington.ma.us>
Cc: "Michael Rademacher" <MRademacher@town.arlington.ma.us>, "Paul Conroy" <PConroy@town.arlington.ma.us>, "Sean Kiernan" <SKiernan@town.arlington.ma.us>
Date: 12/05/2014 12:48 PM
Subject: Re: Irving at Ravine

Marry Ann,

I took a look at the sign. I think the wording on the sign is fine (it utilizes standard MUTCD wording), is the same standard that is used throughout town, and unlike whatever was there before, it directly reflects the language in the Selectmen's approval meeting notes. However, I do think that the original location of the sign would be more effective at maintaining the open corner. Also, the placement of the bottom of the sign is somewhat high (approximately 10 feet) and I feel if lowered somewhere closer to the minimum height requirement of 7 feet, perspicuity will be increased.

I spoke to Dan and he stated that he would have the crew take care of those changes. Once those changes are made, I don't see the need for any more.

Officer Corey P. Rateau
Arlington Police Department
Traffic and Parking Unit
(781)-316-3944 (Office) **NOTE NEW NUMBER**
(781)-316-3933 (Fax)
Email: CRateau@town.arlington.ma.us

-----Original Message-----

From: "Dan Warren" <DWarren@town.arlington.ma.us>

To: "MaryAnn Sullivan" <MSullivan@town.arlington.ma.us>, "Corey Rateau" <CRateau@town.arlington.ma.us>

Cc: "Michael Rademacher" <MRademacher@town.arlington.ma.us>

Date: Wed, 03 Dec 2014 06:56:44 -0500

Subject: Irving at Ravine

Maryann,

I've been going back and fourth with Doug Perlo (Purple house on the corner of Irving and Ravine)

The original sign that was taken down was a no parking sign with a home made arrow and some stick on mailbox letters from the hardware store.

The new sign we put up in it's place is a no parking here to corner sign that we moved closer to his driveway corner so no one can park next to his driveway.

This sign serves several purposes:

1. The no Parking Here to Corner sign is now the standard we use in place of that homemade sign and is consistent with around town.
2. The new placement of the No Parking Here To Corner sign does away with the need of the old homemade sign and by moving it closer to his driveway, does not allow a car to park on his driveway corner which was the intent of the original homemade sign.
3. The one sign and style is more in line with what we put out elsewhere in town and other than being more than 10 feet from the apex of the corner is basically the same set up. It is now one sign instead of two three feet apart saying basically the same thing.

Daniel E. Warren Jr.

Arlington Public Works

Highway Supervisor

Office: (781) 316-3318



Town of Arlington, Massachusetts

For Review and Endorsement: Revised Community Benefit Agreement for RMD

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	Memo_from_Town_Counsel_RE_Revised_Community_Benefit_Agreement.docx	Memo D.Heim Arlington Community Benefit Agreement Attachment MPF-Arlington Community Benefit Agreement Revised
<input type="checkbox"/> Reference Material	MPF_-_Arlington_Community_Benefit_Agreement_Revised_for_BOS.docx	



**Town of Arlington
Legal Department**

Douglas W. Heim
Town Counsel

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Board of Selectmen

Cc: Adam Chapdelaine, Town Manager
Christine Bongiorno, Director of Health & Human Services
Fred Ryan, Police Chief
Michael Byrne, Building Inspector

From: Douglas W. Heim, Town Counsel

Date: March 31, 2016

Re: Revised Community Benefit Agreement

As Members of the Board will recall, the Board previously voted to submit a letter of non-opposition to the Department of Public Health regarding potential Registered Marijuana Dispensary applicant, the Massachusetts Patient Foundation, Inc. ("MPH"), *contingent* on the finalization of an acceptable Community Benefit Agreement with MPH. Specifically, Members of the Board wished to add provisions clearly affording Arlington access to appropriate MPH financial data. Accordingly, this Office and MPH negotiated the inclusion of two additional provisions, paragraphs "5" and "6" which ensure the Town will receive annual certifications of gross sales as well as all the financial records MPH is required to submit to DPH in addition to agreeing to maintain appropriate data for at least seven (7) years.

Accordingly, the revised Community Benefit Agreement is attached for your review and endorsement.

HOST COMMUNITY AGREEMENT
ARLINGTON, MA
MASSACHUSETTS PATIENT FOUNDATION, INC.

THIS HOST COMMUNITY AGREEMENT (“Agreement”) is entered into pursuant to M.G.L. ch.44, §53A this _____ day of April 2016 by and between MASSACHUSETTS PATIENT FOUNDATION, INC. a Massachusetts not-for-profit corporation with a principal office address of 36 Glen Ave., Newton, MA 02059 (“OPERATOR”) and the TOWN OF ARLINGTON, a Massachusetts municipal corporation with a principal address of 730 Mass Ave., Arlington, MA 02476 (“TOWN”).

WHEREAS OPERATOR wishes to locate a Registered Marijuana Dispensary dispensing facility (“RMD”) in the TOWN, in accordance with regulations issued by the Commonwealth of Massachusetts Department of Public Health (“DPH”);

WHEREAS OPERATOR intends to provide certain benefits to the TOWN by way of gift or grant in the event that it receives a Final Certificate of Registration to operate a RMD in the TOWN by the DPH;

WHEREAS OPERATOR has applied for a certificate of registration from the DPH to operate the RMD in the TOWN at 5-11 Water St., Arlington, MA 02476 (the “Facility”); and

WHEREAS OPERATOR is seeking a letter of support/non-opposition from the TOWN for the siting and operation of an RMD in the TOWN.

NOW, THEREFORE, in consideration of the above, OPERATOR offers and the TOWN accepts the following Agreement terms in accordance with M.G.L. ch.44 §53A:

1. OPERATOR shall pay to the TOWN 3% of the gross revenue received by OPERATOR from retail sales at the Facility accruing from the date of commencement of sales by OPERATOR in the TOWN (“Sales Commencement Date”). The initial payment to the TOWN shall be made on the first day of the seventh month after the Sales Commencement Date (“Initial Payment Date”), and shall reflect gross revenue for the first quarter of sales. Thereafter payments shall be made every six months, and shall reflect the subsequent six month’s sales,

with the final three months payment remaining unpaid until three months after the termination of this Agreement. OPERATOR shall notify the TOWN when OPERATOR commences dispensing within the TOWN. OPERATOR's records maintained pursuant to 105 CMR 725.105(I)(5) will be available to the TOWN upon request to verify OPERATOR's payment amounts. The TOWN may notify OPERATOR to delay the initial payment, in which case the initial payment shall be made as specified by the TOWN; however, the timing of subsequent payments shall be made as if the initial payment had been on the Initial Payment Date.

2. OPERATOR shall make a one-time payment to TOWN of \$100,000.00 within one week of the Sales Commencement Date, and the TOWN shall credit OPERATOR \$100,000.00 against OPERATOR's biannual payments.
3. OPERATOR shall work with the Arlington Police Department in determining the placement of exterior security cameras, so that at least two cameras are located to provide an unobstructed view in each direction of the public way(s) on which the RMD is located. OPERATOR will maintain a cooperative relationship with the Arlington Police Department, including but not limited to periodic meetings to review operational concerns, cooperation in investigations, and communication to Arlington Police Department of any suspicious activities on the site.
4. Except for senior management positions, OPERATOR commits to hiring local, qualified employees to the extent consistent with law. In addition to the direct hiring, OPERATOR will work in a good faith, legal and non-discriminatory manner to hire local vendors, suppliers, contractors and builders from the Arlington area where possible.
5. The OPERATOR shall submit at least annual financial records to the Town on or before January 15 of each calendar year, with a certification of the Gross Sales for the respective year. The OPERATOR shall also submit to the Town copies of any additional financial records that the OPERATOR is required to submit to DPH.

6. The OPERATOR shall maintain its books, financial records, and other compilations of data pertaining to the requirements of this Agreement in accordance with standard accounting practices and any applicable regulations or guidelines of the DPH. All records shall be kept for a period of at least seven (7) years.
7. OPERATOR shall cooperate fully with the TOWN to prevent “Hardship Cultivation Registrations” as defined by 105 CMR 725.104 & 105 CMR 725.035, including but not limited to OPERATOR’s commitment to delivering to residents of the TOWN unless such deliveries are prevented by circumstances outside of the OPERATOR’s control.
8. The purpose of this Agreement is to assist the TOWN in addressing any public health, safety and other effects or impacts the RMD may have on the TOWN. The TOWN shall use the above-referenced payments in its sole discretion consistent with the purpose of the Agreement.
9. This Agreement shall terminate at the time that either of the following occur:
 - a. the TOWN notifies OPERATOR of the TOWN’s termination of this Agreement;
 - b. OPERATOR ceases to operate a RMD in the TOWN
10. The obligations of OPERATOR and the TOWN recited herein are specifically contingent upon the issuance by DPH to OPERATOR of a Final Certificate of Registration for the operation of a RMD facility in the TOWN, and OPERATOR obtaining all required approvals from the TOWN for the OPERATOR to serve patients and caregivers from the Facility in Town.
11. OPERATOR shall not assign, sublet or otherwise transfer this Agreement, in whole or in part, without the prior written consent of the TOWN and shall not assign any of the moneys payable under this Agreement, except with the written consent of the TOWN, provided, however, that a pledge or assignment of assets, profits or receivables required in connection

with financing the business by OPERATOR shall not be considered an assignment for the purposes of this paragraph.

12. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. Neither the TOWN nor OPERATOR shall assign or transfer any interest in the Agreement without the written consent of the other.
13. OPERATOR shall comply with all laws, rules, regulations and orders applicable to the operation of an RMD, such provisions being incorporated herein by reference, and shall be responsible for obtaining all necessary licenses, permits, and approvals required for the operation of an RMD.
14. Any and all notices, or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth on Page 1 or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service, or if sent by private overnight or other delivery service, when deposited with such delivery service.
15. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
16. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and OPERATOR submits to the jurisdiction of the Trial Court for Middlesex County for the adjudication of disputes arising out of this Agreement.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

17. This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated Agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

TOWN OF ARLINGTON, BOARD OF
SELECTMEN OR TOWN MANAGER:

MASSACHUSETTS PATIENT
FOUNDATION INC.

By: _____

Title: _____



Town of Arlington, Massachusetts

Discussion: Future BoS Meetings

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	May__June_2016.pdf	2016 Calendar, May and June

May 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 ORTHODOX EASTER	2	3	4	5	6	7
8 HAPPY MOTHER'S DAY	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30 MEMORIAL DAY	31				

June 2016						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19 HAPPY FATHER'S DAY	20	21	22	23	24	25
26	27	28	29	30		



Town of Arlington, Massachusetts

Articles for Review:

Summary:

Article 29: Removal of Easement Restriction (tabled from 3.7.16 meeting)

Article 32: Endorsement of CDBG Application

Article 33: Revolving Funds (tabled from 3.21.16 meeting)

Article 58: Resolution/Community Preservation Plan

STM Article 6: Minuteman Regional Vocational Technical School: Bond Authorization for Minuteman School Construction

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	Warrant_Article_Text.docx	Warrant Article Text #29, #32, #33, #58, STM #6
▣ Reference Material	10_reg_voter_letter_4.4.pdf	Letter sent to 10 registered voter article #29
▣ Reference Material	Tregoning_CR.pdf	W.A. #32 FY2016 CDBG Allocation from HUD
▣ Reference Material	Worden_Comments_CDBG.pdf	W.A. #32 Comments J. Worden
▣ Reference Material	rev_Funds_Vote.pdf	W.A. #33 FY2017 Revolving Funds for Warrant Article
▣ Reference Material	Copy_of_Revolving_Fund_Warrant_Article_FY2017_(1)_(1).pdf	W.A. #33 FY2015 Revolving Funds: Expenditure Detail

ARTICLE 29**REMOVAL OF EASEMENT RESTRICTION**

To see if the Town will vote to abandon the easement/building lines as may exist upon the real property located at the corner of 54 Pleasant View and Spring Street, as taken and established on April 6, 1942 and recorded at Middlesex South Registry of Deeds Book 6591, page 1 and as shown as lots 83 and 84 on a Plan filed with the taking being Plan No. 213 of 1942, determine the contingencies that will be attached to said release; or take any action related thereto.

(Inserted at the request of David D. Dolan and ten registered voters)

ARTICLE 32**ENDORSEMENT OF CDBG APPLICATION**

To see if the Town will vote to endorse the application for Federal Fiscal Year 2017 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383) as amended; or take any action related thereto.

(Inserted by the Board of Selectmen and at the request of the Town Manager)

ARTICLE 33**REVOLVING FUNDS**

To see if the Town will vote to reauthorize revolving funds established under various previous votes of the Town, to hear or receive a report concerning the receipts and expenditures of same, to establish new revolving funds or to amend the votes under any previously adopted revolving funds, to appropriate a sum of money to fund same, to determine how the money shall be raised or expended; or take any action related thereto.

(Inserted by the Board of Selectmen)

ARTICLE 58**RESOLUTION/COMMUNITY PRESERVATION PLAN**

To see if the Town will accept, receive, or resolve to endorse the Community Preservation Plan adopted by the Community Preservation Committee; or take any action related thereto.

(Inserted at the request of the Community Preservation Committee)

STM ARTICLE 6**MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL: BOND AUTHORIZATION FOR MINUTEMAN SCHOOL CONSTRUCTION**

To see if the Town will vote to approve debt authorized by vote of the Minuteman Regional Vocational Technical School District for the purpose of paying Arlington's apportioned capital costs for the construction of a new Regional Vocational Technical School building in Lincoln Massachusetts, the design for which having been approved by the Regional School Committee, said sum to be expended at the direction of the Minuteman School Building Committee; or take any action related thereto.

(Inserted at the request of the Town Manager)

OFFICE OF THE BOARD OF SELECTMEN

KEVIN F. GREELEY, CHAIR
DIANE M. MAHON, VICE CHAIR
DANIEL J. DUNN
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

March 23, 2016

Dear Registered Voter:

The Board of Selectmen will meet on Monday, April 4, 2016 at 7:15 p.m., Selectmen's Chambers, 2nd Floor, Town Hall, to discuss the Warrant Article petition that you signed.

Article 29 Removal of Easement Restriction
(tabled from 3.7.16 meeting)

Please feel free to contact Mary Ann or Fran in my office at the above number to confirm or if you require any further information.

Thank you.

Very truly yours,
BOARD OF SELECTMEN

A handwritten signature in cursive script that reads "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator

MAK:fr

ARTICLE 29**REMOVAL OF EASEMENT RESTRICTION**

To see if the Town will vote to abandon the easement/building lines as may exist upon the real property located at the corner of 54 Pleasant View and Spring Street, as taken and established on April 6, 1942 and recorded at Middlesex South Registry of Deeds Book 6591, page 1 and as shown as lots 83 and 84 on a Plan filed with the taking being Plan No. 213 of 1942, determine the contingencies that will be attached to said release; or take any action related thereto.

(Inserted at the request of David D. Dolan and ten registered voters)

Mr. & Mrs. David Dolan
51 Robin Hood Road
Arlington, MA 02474

Bill Hayner
19 Putnam Road
Arlington, MA 02474

Gordon Jamieson Jr.
163 Scituate Street
Arlington, MA 02476

Judith Epstein Leich
6 Chapman Street
Arlington, MA 02476

Mr. & Mrs. David Leone
53 Irving Street
Arlington MA 02476

Pauline Leone
51 Irving Street
Arlington, MA 02476

Suzanne Leone
7 Winter Street
Arlington, MA 02474

Puvi Patwari
6 Adamian Park
Arlington, MA 02474

Elizabeth & Ronald Pizzano
11 Jeffrey Road
Arlington, MA 02474



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF THE ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

RECEIVED
SELECTMEN'S OFFICE
ARLINGTON, MA 02476

2016 MAR 15 PM 1:14

February 16, 2016

Mr. Kevin Greeley
Chairperson of Arlington
730 Massachusetts Ave
Arlington, MA 02476-4908

Dear Chairperson Greeley:

I am pleased to inform you of your jurisdiction's Fiscal Year (FY) 2016 allocations for the Office of Community Planning and Development's (CPD) formula programs, which provide funding for housing, community and economic development activities, and assistance for low and moderate-income persons and special populations across the country. President Obama signed Public Law 114-113 on December 18, 2015, which includes FY 2016 funding for these programs. Your jurisdiction's FY 2016 available amounts are:

Community Development Block Grant (CDBG)	\$1,033,162
HOME Investment Partnerships (HOME)	\$ 0
Housing Opportunities for Persons with AIDS (HOPWA)	\$ 0
Emergency Solutions Grants (ESG)	\$ 0

This letter highlights several important points related to these programs. First, Secretary Julián Castro is committed to making HUD the "Department of Opportunity" and has established a number of initiatives intended to achieve that goal. In 2015, we celebrated the 50th anniversary of the Department's establishment, and these initiatives build on HUD's mission to promote homeownership, support community development, and increase access to affordable housing free from discrimination. The Department is working hard with grantees on these key goals and urges you to review the entire plan at: <http://portal.hud.gov/hudportal/HUD?src=/hudvision>. In an era when the nation's severe shortage of affordable rental housing creates substantial housing instability—contributing to homelessness, family mobility and unequal educational attainment—I am particularly interested in working with grantees to increase affordable housing production through our CPD formula programs.

Second, HUD recommends that grantees effectively plan and implement programs that leverage these critical Federal financial resources to achieve the greatest possible return for the communities and individuals they are intended to assist.

- HUD urges grantees to consider using CDBG funds, to the extent possible, to support investments in predevelopment activities for infrastructure and public facilities activities that can provide multiple benefits for communities.
- HUD has created a Renewable Energy Toolkit specifically tailored to CPD grantees. To the extent that grantees are interested in using funds for renewable energy projects, please feel free to access that toolkit online at www.hudexchange.info.
- If you would like assistance from CPD in redesigning, prioritizing or targeting your programs,

either you or the head of the agency that administers your program may request assistance through your local CPD Director.

Third, CPD is asking grantees to renew their focus on administration and management of these programs as part of an effort to ensure effective use of the funds. Throughout 2016, CPD and HUD's Office of the Inspector General expect to issue a range of guidance that will highlight particular areas where grantees commonly stumble. I urge grantees to actively review their policies and procedures governing these programs and to strengthen management practices, particularly with regard to recordkeeping, in order to avoid problems and risk this vital funding. This focus on administration is particularly critical because the Integrated Disbursement and Information System (IDIS), which is HUD's financial and data system for managing these formula programs, will no longer commit and disburse grant funds on a first-in first-out (FIFO) basis beginning with the FY 2015 grants. All FY 2015 and future grants will be committed and disbursed on a grant specific basis.

The Office of Community Planning and Development is looking forward to working with you to promote simple steps that will enhance the viability and performance of these critical programs and successfully meet the challenges that our communities face. Please contact your local CPD office if you or your staff has any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Harriet Tregoning", with a stylized flourish at the end.

Harriet Tregoning
Principal Deputy Assistant Secretary

**27 JASON STREET
ARLINGTON, MASSACHUSETTS 02476**

TELEPHONE (781) 646-8303

JWORDEN@SWWALAW.COM

March 8, 2016

Board of Selectmen
Town Hall
Arlington,, Massachusetts 02476

Mrs. Mahon & Gentlemen:

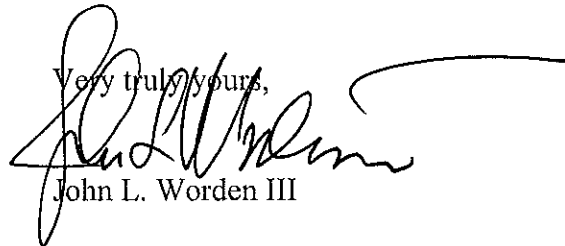
When I saw "PUBLIC HEARINGS" for CDBG performance update for 2015-16 and requests for FY 2016-17 on your agenda for February 22 (items 4 and 5), I assumed that there would be an opportunity for the public to participate. As you may recall, that did not occur. Accordingly, I am writing to provide my comments.

With respect to grant allocations for 2016-17, it should be a condition that the recipients agree to follow all Arlington laws – the Zoning By-Law, the Historic District By-Law, and the general By-Laws. The impetus for this request is that Housing Corporation of Arlington (HCA), despite knowing that Town Meeting had twice voted resolutions against the use of Chapter 40B in our Town, used funds allocated by the Town on a 40B project, even hiring a 40B lawyer from Cape Cod to appear multiple times before the Zoning Board of Appeals.

As HCA also knows or should know, they could have asked Town Meeting for a map change to extend the high density residential zone on the south side of Lowell Street to cover the property they bought (zoned R-1) between Lowell Street and Westminster Avenue. HCA has heretofore done a lot of good work in the Town, utilizing the six or seven million dollars that has been allocated to them over the years, and I certainly have no objection to converting the former church structure into affordable housing. But to seek that goal via 40B instead of in accordance with the laws we have made to regulate development in our community was both insulting and unnecessary - and ironic when you consider other worthy applicants seeking not millions, but a few thousand dollars for their programs.

Although we are presumably safe from 40B under the 1.5 per cent criterion, imposing such a condition for future recipients who may be tempted to bite the hand that feeds them would be prudent.

Very truly yours,

A handwritten signature in black ink, appearing to read "John L. Worden III", with a long, sweeping horizontal line extending to the right.

John L. Worden III

cc: Ms. Raitt

FY2017 REVOLVING FUNDS FOR WARRANT ARTICLE

Private Way Repairs: Originally established under Article 46, 1992 Annual Town Meeting
FY2017 expenditures not to exceed \$200,000

Beginning Balance, 7/1/14	\$50,858.67
Receipts	36,856.17
Expenditures	0.00
Ending Balance, 7/1/15	\$87,714.84

Public Way Repairs: Originally established under Article 45, 1992 Annual Town Meeting
FY2017 expenditures not to exceed \$5,000

Beginning Balance, 7/1/14	\$168.40
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$168.40

Fox Library Community Center Rentals: Originally established under Article 49, 1996 Annual Town Meeting
FY2017 expenditures not to exceed \$20,000

Beginning Balance, 7/1/14	\$15,068.13
Receipts	2,020.00
Expenditures	314.78
Ending Balance, 7/1/15	\$16,773.35

Robbins House Rentals: Originally established under Article 77, 1997 Annual Town Meeting
FY2017 expenditures not to exceed \$75,000

Beginning Balance, 7/1/14	\$31,893.61
Receipts	45,846.96
Expenditures	58,647.15
Ending Balance, 7/1/15	\$19,093.42

Conservation Commission Fees: Originally established under Article 44, 1996 Annual Town Meeting
FY2017 expenditures not to exceed \$10,000

Beginning Balance, 7/1/14	\$2,742.54
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$2,742.54

Uncle Sam Fees: Originally established under Article 31, 2000 Annual Town Meeting
FY2017 expenditures not to exceed \$2,000

Beginning Balance	\$1,526.31
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$1,526.31

FY2017 REVOLVING FUNDS FOR WARRANT ARTICLE

Life Support Services (Ambulance) Fees: Originally established under Article 37, 2001 Annual Town Meeting
Expenditures not to exceed \$800,000

Beginning Balance, 7/1/14	\$405,815.24
Receipts	670,729.13
Expenditures	529,395.91
Ending Balance, 7/1/15	\$547,148.46

Board of Health Fees: Originally established under Article 30, 2005 Annual Town Meeting
FY2017 expenditures not to exceed \$100,000

Beginning Balance 7/1/14	\$65,529.70
Receipts	61,917.41
Expenditures	70,727.17
Ending Balance, 7/1/15	\$56,719.94

Field User Fees: Originally established under Article 78, 2004 Annual Town Meeting
FY2017 expenditures not to exceed \$80,000

Beginning Balance, 7/1/14	\$63,848.53
Receipts	37,016.50
Expenditures	77,475.46
Ending Balance, 7/1/15	\$23,389.57

Robbins Library Rentals: Originally established under Article 35, 2006 Annual Town Meeting
FY2017 expenditures not to exceed \$8,000

Beginning Balance 7/1/14	\$21,696.10
Receipts	8,300.00
Expenditures	3,409.90
Ending Balance, 7/1/15	\$26,586.20

Town Hall Rentals: Originally established under Article 35, 2006 Annual Town Meeting
FY2017 expenditures not to exceed \$100,000

Beginning Balance, 7/1/14	\$14,534.54
Receipts	123,677.11
Expenditures	68,057.64
Ending Balance, 7/1/15	\$70,154.01

White Goods Recycling Fees: Originally established under Article 35, 2006 Annual Town Meeting
FY2017 expenditures not to exceed \$80,000

Beginning Balance, 7/1/14	\$45,109.39
Receipts	23,568.77
Expenditures	11,272.24
Ending Balance, 7/1/15	\$57,405.92

FY2017 REVOLVING FUNDS FOR WARRANT ARTICLE

Library Vending Fees: Originally established under Article 34, 2009 Annual Town Meeting
FY2017 expenditures not to exceed \$25,000

Beginning Balance, 7/1/14	\$4,873.93
Receipts	10,115.50
Expenditures	10,244.55
Ending Balance, 7/1/15	\$4,744.88

Gibbs School Energy Fees: Originally established under Article 45, 2010 Annual Town Meeting
FY2017 expenditures not to exceed \$120,000

Beginning Balance, 7/1/14	\$36,459.27
Receipts	104,728.67
Expenditures	107,017.08
Ending Balance, 7/1/15	\$34,170.86

Cemetery Chapel Rentals: Originally established under Article 52, 2011 Annual Town Meeting
Expenditures not to exceed \$15,000

Beginning Balance, 7/1/14	\$0.00
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$0.00

Council On Aging Program Fees: Originally established under Article 28, 2013 Annual Town Meeting
Expenditures not to exceed \$25,000

Beginning Balance, 7/1/14	\$4,320.94
Receipts	12,722.56
Expenditures	12,472.15
Ending Balance, 7/1/15	\$4,571.35

FY2015 REVOLVING FUNDS: EXPENDITURE DETAIL

Revolving Fund	Amount
<u>Private Way Repairs:</u>	
Total Expenditures	\$0.00
<u>Pubilc Way Repairs:</u>	
Total Expenditures	\$0.00
<u>Fox Library Community Center Rentals:</u>	
supplies	\$314.78
Total Expenditures	\$314.78
<u>Robbins House Rentals:</u>	
personnel	\$21,924.92
supplies	\$3,509.04
maintenance	\$12,043.96
utilities	\$19,708.79
contracted services	\$1,460.44
Total Expenditures	\$58,647.15
<u>Conservation Commission Fees:</u>	
Total Expenditures	\$0.00
<u>Uncle Sam Fees:</u>	
Total Expenditures	\$0.00
<u>Life Support Services (Ambulance) Fees:</u>	
general fund offset (personnel)	\$131,415.00
contracted services	\$348,124.90
capital offset	\$47,600.00
patient reimbursements	\$2,256.01
Total Expenditures	\$529,395.91
<u>Board of Health Fees:</u>	
personnel	\$35,144.66
supplies	\$6,671.04
contracted services	\$26,656.36
dues/subscriptions/training	\$55.00
other expenses	\$2,200.11
Total Expenditures	\$70,727.17

Revolving Fund	Amount
<u>Field User Fees:</u>	
supplies	\$175.46
maintenance	\$77,300.00
Total Expenditures	\$77,475.46
<u>Robbins Library Rentals:</u>	
maintenance	\$2,677.50
equipment	\$732.40
Total Expenditures	\$3,409.90
<u>Town Hall Rentals:</u>	
supplies	\$3,735.43
personnel	\$46,847.84
maintenance	\$1,930.00
contracted services	\$15,544.37
Total Expenditures	\$68,057.64
<u>White Goods Recycling Fees:</u>	
equipment & materials	\$11,272.24
Total Expenditures	\$11,272.24
<u>Library Vending Fees:</u>	
supplies	\$2,008.82
equipment	\$3,039.33
contracted services	\$5,196.40
Total Expenditures	\$10,244.55
<u>Gibbs School Energy Fees:</u>	
utilities	\$107,017.08
Total Expenditures	\$107,017.08
<u>Cemetery Chapel Rentals:</u>	
Total Expenditures	\$0.00
<u>Council on Aging Program Fees:</u>	
contracted services	\$12,472.15
Total Expenditures	\$12,472.15



Town of Arlington, Massachusetts

Articles for Review:

Summary:

Article 21: Bylaw Amendment/Arlington Commission on Arts and Culture Membership

Article 23: Bylaw Amendment/Electronic Distribution of Notices and Materials

Article 24: Bylaw Amendment/Camping on Public Property

Article 30: Transfer of Town Property/1 Gilboa Road

Article 59: Resolution/Handicap Parking Spaces

ATTACHMENTS:

Type	File Name	Description
		Final Votes & Comments Articles #21, #30,#59, and Revised Vote & Comment for Article #24
Reference Material	3.31_Memo_to_BOS_re_Final_Votes_and_Comments_on_2016_Articles_21__24__30__and_59.pdf	



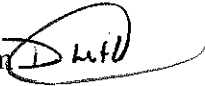
**Town of Arlington
Legal Department**

Douglas W. Heim
Town Counsel

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

MEMORANDUM

TO: Board of Selectmen

FROM: Douglas W. Heim 

DATE: March 31, 2016

RE: **Votes and Comments for Articles: 21, 30, 59 and revised Vote and Comment
Re: Article 24**

I write to provide the Board the following as draft Final Votes and Comments for your consideration at the April 4, 2016 Board of Selectmen meeting regarding the previously heard, above-referenced warrant articles.

**ARTICLE 21 BYLAW AMENDMENT/ARLINGTON COMMISSION ON ARTS
AND CULTURE MEMBERSHIP**

VOTED: *That Title II, Article 8, Section 1 of the Town Bylaws be and hereby is amended by striking the word "seven" in the first paragraph and replacing it with the word "nine;" and further by striking the word "Six" in the first sentence of the second paragraph and replacing it with the word "Eight" so as to read as follows in relevant parts:*

ARTICLE 8: ARLINGTON COMMISSION ON ARTS AND CULTURE

Section 1. Establishment of Arlington Commission on Arts and Culture

There is hereby established an Arlington Commission on Arts and Culture, which shall consist of ~~seven~~ nine members all of whom shall be residents of the Town.

~~Six~~ Eight members, one of whom shall be a member of the Vision 2020 Culture and Recreation Task Group, shall be appointed by the Town Manager subject to the approval of the Board of Selectmen and one member shall be appointed by the School Committee...

(5-0)

COMMENT: This article requests a bylaw amendment to provide the Arlington Commission on Arts and Culture ("ACAC") with two (2) additional members, both to be appointed by the Town Manager, subject to the approval of the Board of Selectmen. ACAC requests the change in their membership for two reasons. First, ACAC is developing a cultural plan for Arlington, and also applying to the Massachusetts Cultural Council ("MCC") for a Cultural District designation. Both the cultural plan process and Cultural District process would benefit from additional members' efforts and talents.

Second, on a broader level, ACAC believes it would benefit from a larger Commission's additional voices and perspectives. The Selectmen value ACAC's work and endeavors and trust its assessment of its own needs. Accordingly, the Board respectfully requests Town Meeting's support for this straightforward bylaw amendment.

ARTICLE 24

BYLAW AMENDMENT/ CAMPING PROHIBITED ON PUBLIC PROPERTY

VOTED: That no action be taken under Article 24

(5-0)

COMMENT: Following multiple hearings on this warrant article, significant and diverse input from a host of Town committees and commissions, community groups, and concerned residents was received regarding the impact the proposed bylaw would have upon the homeless in Arlington. Specifically, the Arlington Human Rights Commission ("AHRC"), among many others, believes that more information regarding the extent and nature of the challenges facing the homeless should be cultivated prior to the adoption of any Town bylaw establishing a broad prohibition on camping. The Police Department, Health and Human Services Department, and other Town personnel welcome the aforementioned stakeholders to work with them to examine

the pertinent issues further, and share this Board's commitment to a robust and inclusive assessment of the needs of a vulnerable population.

Accordingly, this Board recommends a vote of no action with the understanding that we will establish a Task Force of the Board of Selectmen to investigate and report on the profile of Arlington's unsheltered, the resources available to assist the homeless, and the challenges posed to the community by encampments prior to next year's Town Meeting. The Task Force will also be charged with consulting the Somerville Homeless Coalition and developing feasible tools to balance support of the unsheltered with the health and safety concerns of the community at-large.

ARTICLE 30 TRANSFER OF TOWN PROPERTY/1 GILBOA ROAD

VOTED: That no action be taken under Article 25.

(3-0)

Mr. Dunn recused himself; Ms. Mahon abstained.

COMMENT: The Board of Selectmen appreciates the indisputable good intentions of the Article's proponent, which are to provide additional affordable housing in Arlington while also bolstering the Town's safe harbor status relative to G.L. c. 40B applications. However, the balance of the Board does not believe that the proposed transfer of the property in question to the Arlington Housing Authority is the best vehicle by which we can achieve either of those goals can be achieved, especially given the substantial opposition of Mt. Gilboa neighborhood residents.

ARTICLE 59

RESOLUTION/HANDICAP PARKING SPACES

VOTED: *Arlington Town Meeting is hereby resolved as follows:*

Given that Title II of the ADA does require that State and Municipalities must make all their programs and services accessible, and on-street parking is considered a public service, thus some number of accessible parking spaces are required to be accessible. Yet there is currently no precise number specified.

Given that the Town of Arlington should visibly be a community that welcomes diversity, including people with disabilities,

Given that U.S. Census figures, Vision 2020 Survey results, and Registry of Motor Vehicles statistics all verify a substantial (and growing) need for handicapped parking access in the Town of Arlington,

Given that demographic projections indicate that the residents of Arlington and surrounding communities will continue to need public handicapped parking in order to access the many retail and service establishments located in Arlington,

Therefore, so as to facilitate access for people with disabilities, the Town of Arlington embraces, supports and encourages the inclusion and designation of at least five percent (5%), and no more than ten percent (10%) overall, handicapped parking spaces in any on-street public parking located in commercial districts throughout the Massachusetts Avenue and Broadway business corridors, which encompasses Business Districts B1, 2, 3, 4, 5.

(5-0)

COMMENT: The Board unanimously supports the instant resolution, which is the product of thorough engagement of various community interest groups and Town Departments, and sets forth important, aspirational goals for the Town to enhance its support of disabled members of the community. These goals go further than state and federal law presently mandate. While not binding upon the Town, the resolution constitutes an affirmation of our commitments to improving access throughout Arlington's busiest corridor and a proactive way of informing future decisions.



Town of Arlington, Massachusetts

Letter to Mr. John Belskis re: 1 Gilboa Road Article 97 Status

Summary:

Douglas W. Heim, Town Counsel

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Letter_to_Mr_Belskis_from_Town_Counsel.pdf	Correspondence from D. Heim

TOWN OF ARLINGTON
LEGAL DEPARTMENT

DOUGLAS W. HEIM
TOWN COUNSEL



50 Pleasant Street
Arlington, MA 02476
781-316-3151
Fax: 781-316-03159

March 31, 2016

By First Class Mail

Mr. John Belskis
196 Wollaston Ave.
Arlington, MA 02476

Re: 1 Gilboa Road Article 97 Status

Dear John,

I write to respond to your letter dated March 22, 2016 regarding 1 Gilboa Road and Warrant Article 30, on which the Board of Selectmen issued a vote of no action at its March 21, 2016 Meeting. In your letter, you registered concern about my legal opinion that parcel in question is presently subject to Article 97 of the Massachusetts Declaration of Rights ("Article 97") protection. Specifically, citing Town of Hanson v. Lindsay, 444 Mass. 502 (2005) you expressed your view that because a conservation restriction was not recorded, the parcel is not entitled to conservation protection. For the reasons set forth fully herein, I maintain my view that 1 Gilboa Road is subject to Article 97's process and protections.

At the outset, permit me to note again my appreciation of our open and frank discussions about your proposal and your overall efforts to place it before the Selectmen, the Conservation Commission, and others. Your intentions here are clearly to ensure the Town is in the best position it can be relative to c. 40B applicants. Our disagreement is purely over the legal requirements to achieve the outcome you desire relative to the property in question.

In short, 1 Gilboa Road is subject to Article 97 protections because the Town indisputably acquired the parcel in question without any qualification for conservation purposes. The case you cite, Town of Hanson v. Lindsay, 444 Mass. 502 (2005), presents very different facts with distinct consequences. In that instance, the Town of Hanson acquired the parcel at issue via tax taking roughly 14 years before a vote of its Town Meeting in 1971 attempted designate such land as subject to a conservation restriction. The 1971 Hanson Vote specifically stated that the town would "accept for conservation purposes, a deed, or deeds," but no such

deed or deeds were ever generated or recorded to accept. *Id.* at 503. Subsequently, the Town of Hanson (through its Treasurer) sold the property at auction in 1998 to a bona fide purchaser of value who had no notice of any restriction of any kind.

Hence, both practically and legally, the property at issue in Hanson remained in ambiguous status because it was still considered a tax possession of that Town, leading the Court to find the “[t]he 1971 Vote [of Town Meeting] merely expressed the town’s interest in dedicating the locus to conservation purposes.” *Id.* at 508-509. As the Hanson Court described, “[n]othing in the specific language of this vote and no related circumstances suggest that the locus was placed under the custody and control of the [conservation] commission.” *Id.* at 506.

Here, the Town did not own 1 Gilboa Road when it voted to acquire it (rather than designate land it already owned) specifically for conservation purposes, which places the parcel in an entirely distinct posture from the start. Article 97 provides, in pertinent part:

“The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose...

Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court.”

(emphasis added.)

Meanwhile, Arlington Town Meeting’s vote relative to 1 Gilboa Road stated in relevant part:¹

“That the sum of \$675,000 be and hereby is appropriate for the acquisition for conservation purposes of that property commonly referred to as Mount Gilboa, said property after acquisition to be placed under the jurisdiction of the Conservation Commission...”²

This, in and of itself is overwhelmingly likely to serve as sufficient basis for the courts, the legislature, the Executive Office of Energy and Environmental Affairs (“EOEA”), and our local Conservation Commission to deem 1 Gilboa Road protected by Article 97 with or without a restriction asserted in the deed, because under most circumstances Article 97 status only requires a land, “acquired for [conservation] purposes.”

¹ The full text of this vote, previously provided, is attached hereto.

² The vote continues to describe the property in question in further detail.

Furthermore, even if more were required, Arlington's intent to convey jurisdiction upon the Conservation Commission was unqualified and crystal clear. The Hanson Court took pains to contrast Arlington's present position from that of the Town of Hanson's, citing Harris v. Wayland, 392 Mass. 237, 241, (1984) and explaining "property placed under control of [Wayland's] school committee where warrant for special town meeting, 'coupled with all the attendant circumstances, was sufficient to indicate that the town intended to place the property in the charge of the school committee.'" Town of Hanson, at 506.

Thus, the three important distinctions between the circumstances here in Arlington and the facts presented in Hanson are:

- 1) Arlington's Town Meeting vote was to *acquire* 1 Gilboa Road specifically as conservation property;
- 2) Arlington's vote was unqualified, where Hanson's vote asserted the intent to "accept a deed, or deeds" which never came to fruition; and
- 3) Article 97 status is a specific kind of conservation protection which can be concurrent, but is not necessarily so, with the types of conservation restrictions which must be reflected in the type of deed contemplated by Hanson.

As such, a thorough reading of Hanson makes clear that the Hanson property was not subject to Article 97, *and also* not subject to a properly recorded conservation restriction of some other ilk. Moreover, Hanson does not and never has implied that a clear Town Meeting vote to acquire land for conservation purposes requires a recorded deed to afford Article 97 protection on such land.

I well appreciate the significance of this opinion to your article, the Selectmen's vote, and broader issues in Arlington. Accordingly, though I continue to be confident in my position on this matter, I took the unusual step of obtaining the opinion of the Town's Special Counsel for c. 40B matters, attorney Jon Witten. Mr. Witten concurs with this analysis and its conclusions on both the impact of Hanson and the status of 1 Gilboa Rd.

As a final matter, you noted at hearing additional concerns about other Town properties for which you could find no conservation restrictions. As noted above, whether or not a recorded conservation restriction is *necessary* to afford conservation protections depends on the details of how and why a given parcel was acquired or designated.³ If there are parcels which do not have recorded restrictions and are not clearly protected under Article 97, it is imperative to either file corrective or confirmatory deeds. Therefore, I would very much appreciate an opportunity to further discuss your findings and compare them with Conservation Commission files. This Office will also examine whether or not confirmatory deeds or recording Town Meeting votes as

³ Similarly, the sources of pertinent information may vary. With respect to 1 Gilboa Road, this Office performed a title search, reviewed past votes of Town Meeting, and examined archived files regarding the acquisition of the parcel.

adjunct to the deeds would be feasible for Article 97-covered properties, so as to avoid any ambiguities in the future.

Please contact me at your convenience so we may discuss your findings further.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'D. Heim', with a stylized flourish at the end.

Douglas W. Heim, Esq.
Arlington Town Counsel

cc: Arlington Board of Selectmen
Adam Chapdelaine, Town Manager